

Hawthorne Planning Board Minutes of January, 2016 Regular Meeting

The January, 2016 regular meeting of the Hawthorne Planning Board was called to order on January 19, 2016 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 Mayor Goldberg and Mr. Ruta were present as well as Peter Ten Kate, P.E. from Boswell Engineering 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

1. On a motion made by Mr. DeAugustines and seconded by Mr. Kowalski, the Board approved the minutes of the December regular meeting.
2. On a motion made by Ms. DiMattia and seconded by Mrs. Zakur, the Board approved the minutes of the January work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. DeAugustines, seconded by Mr. Kowalski, and approved by a vote of 6-0 to approve payment of bills of the Hawthorne Press for Invoice No. 990076 in the amount of \$33.54, Invoice No. 990107 in the amount of \$24.96 and Invoice No. 990117 in the amount of \$46.80.

RESOLUTIONS

1. With regard to the appointments of the Board engineer, Board planner and Board attorney/secretary, a motion was made by Ms. DiMattia, seconded by Vice Chairman Lucibello and approved by a vote of 5-0 to approve resolutions memorializing the actions taken by the Board at its January 5, 2016 meeting.
2. With regard to the application of **V. Ruta & Sons Inc.**, a motion was made by Vice Chairman Lucibello, seconded by Mr. Matthews and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its January 5, 2016 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **A Plus Insurance Agency**, Veronica Alfaro, owner, appeared on behalf of the applicant. After being sworn, she testified that the applicant proposes to lease approximately 935 square feet in the subject premises as an office for her insurance business. She has operated her property/casualty/life insurance agency in Passaic for the past seven years and wishes to relocate to Hawthorne. The owner and a secretary would operate the business. No on-site parking spaces are allocated to the applicant. No exterior changes to the premises are proposed. A motion was then made by Mr. Matthews, seconded by Mr. DeAugustines and approved by a vote of 6-1 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney.

OLD BUSINESS – None

NEW BUSINESS

1. With regard to the application of **Boys and Girls Club of Hawthorne**, Darryl W. Siss, Esq. appeared as attorney for the applicant. Mr. Matthews recused himself from hearing the application. Mr. Siss made a brief opening statement in which he indicated that the applicant is seeking site plan approval, bulk variances and waivers from checklist requirements. He stated that the applicant had purchased a residence on Maitland Avenue which property abuts the applicant's current facility. The applicant intends to relocate its present pre-school from the second floor of its existing building to a new facility to be constructed on the subject property. No parking would be provided on the site but the new facility would share parking with the applicant's existing facility. Discussion took place regarding the necessity for a deed restriction governing parking for the site in the event of the future sale of the subject property by the applicant.

Mr. Monaghan advised the Board that he had received proof of service and publication of notice of the application in accordance with the requirements of the Municipal Land Use Law. He also confirmed that the applicant's proposed use is permitted in the applicable zone. He also noted the receipt of a report from the Board engineer dated January 12, 2016. Without objection, Mr. Siss offered as Exhibit A-1 a copy of the Lease between the applicant and the Borough of Hawthorne for the applicant's use of its existing facility. Mr. Siss also provided an exhibit list for the documents provided in support of the application.

Mr. Siss then called as his first witness John Bertollo. After being sworn, Mr. Bertollo testified that he is the chief executive officer of the Boys and Girls Club of Hawthorne. He advised the Board that the purpose of the application is a proposed expansion of the Positive Place Pre-School currently operated by the applicant at its existing facility on the adjacent property which is owned by the Borough of

Hawthorne and leased to the applicant. The applicant has purchased the property which is the subject of this application. The primary reason for the expansion is the 2013 enactment of a New Jersey state requirement that children aged two and one-half years and younger cannot be placed on the second floor of a child care facility. The applicant has received state licensing approval for fifty-four children on the first floor of the proposed facility based on the state requirement of thirty-five square feet of floor space per child. The footprint of the proposed structure is based on the state square footage requirement. Thirteen staff members would work in the new building. The first floor would have three rooms with a maximum of twenty-four infants in one room and fifteen toddlers in each of the other two rooms. The second floor plan would consist of an office for the day care director, a conference room, kitchenette and storage. No children would occupy the second floor. With regard to traffic flow, for the existing facility, children are dropped off at the front entrance of the building. The drop-off time period for the pre-school is between 7:30 and 9:30 A.M. The maximum number of staff personnel on site is forty-eight, which would occur between 2:00 and 4:30 P.M. There are ninety-four total parking spaces at the existing facility. No parking spaces are proposed on the site of the proposed facility. An outside play area is proposed in the rear of the property and lighting will be provided at the entry doors.

Mr. Siss called as his next witness 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 December 23, 2015. Mr. Rigg indicated that Sheet 2 of Exhibit A-2 shows existing conditions at the site including a residence, pool and shed, all of which are proposed to be demolished. The applicant would use Borough owned property for parking since no parking is proposed on the facility to be constructed. In addition, the subject site is bounded to the west by Borough owned property and County Park property. Mr. Rigg submitted Exhibit A-6 consisting of nine location surveys of nearby properties showing the front yard setbacks. The setback for the proposed structure would remain at 17.5 feet whereas nearby properties have setbacks of approximately 12 feet. A rear yard setback of 20 feet is proposed where 25 feet is required, but the rear yard abuts the parking area so there is no adverse impact on adjoining property. The proposal also requires a lot coverage variance with 38.1% proposed where a maximum of 35% is permitted. Mr. Rigg indicated that the coverage variance is necessary to comply with the State square footage requirements per child and the applicant is using the footprint of the existing residence for design of the new structure. Although impervious coverage is being reduced from 56.6% to 53.8%, a variance is required since the maximum permitted is 50%.

With regard to stormwater, Mr. Rigg stated that no on-site detention is required since impervious coverage is being reduced under the applicant's proposal and no stormwater will be directed onto adjoining properties.

Mr. Rigg advised the Board that two ADA parking spaces will be added at the entrance to the proposed facility for a total of six ADA spaces in the applicant's parking lot.

Mr. Rigg outlined the applicant's requests for waivers from the Board checklist requirements and Peter Ten Kate, P.E., appearing on behalf of the Board engineer and previously sworn, advised that he had no objections to the waiver requests.

Mr. Siss called as his next witness Edward A. Easse, R.A., P.P. Also 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 testified that he prepared Exhibits A-4 and A-5 on the Exhibit List namely architectural plans of the proposed pre-school facility as well as a rendering of the new structure.

He described his intent in the design to maintain the visual look of a residence but create a "campus effect" with the applicant's existing building. He also hoped to make a transition between the residential character of Maitland Avenue and the existing Boys and Girls Club facility. He advised the Board that the building was designed to meet State safety requirements. The height to the top of the tower at the front corner of the building would be 34 feet, 6 inches, which would comply with the height limit in the ordinance. The front of the building would provide a covered walkway for protection from the weather.

Discussion took place regarding the proposed signage. Mr. Easse stated that the applicant's logo would be burned into the stucco façade of the tower and he argued that a sign variance should not be required since a physical sign was not being attached to the building. Board engineer Peter Ten Kate disagreed and offered his opinion that the proposal meets the definition of a sign in the applicable ordinance, thereby requiring a variance.

Mr. Easse then offered his opinion as a planner regarding the bulk variances required for approval of the application. With regard to the sideyards, he stated that the plan follows the existing footprint and the lot lines of the property are not parallel. The coverage variance is necessary to comply with the square footage requirements set by the State of New Jersey. In addition, the applicant is a non-profit organization providing a community need, namely child care. With regard to the rear yard, there are no residences impacted since the rear yard will abut the existing parking lot. He argued that the positives of the proposal outweigh any negative impacts in that the proposed use is permitted, and the design of the proposed facility provides a transition from the residential neighborhood to the existing Boys and Girls Club. He stated his opinion that the granting of the requested variances would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

With regard to the deed restriction concerning the absence of on-site parking, Mr. Siss suggested the recording of a deed with a copy of the Board's memorializing resolution attached. Mr. Siss then concluded the applicant's presentation.

Mr. DeAugustines advised the Board that he had spoken to the Fire Chief who had no comments after review of the application. Mr. Monaghan indicated that the Police Department had no issues with the proposal. Mr. Ten Kate stated that the signage proposed in the plans should be considered 45 square feet for purposes of the required variance. After discussion the consensus of the Board was that review of the application by the Board planner would not be necessary.

Discussion then took place regarding the merits of the application. Board members expressed general approval of the application including the proposed design, and indicated that the proposal would be a benefit to the community which would justify approval of the necessary variances. With regard to the parking issue, Board members felt that no variance relief should be required since adequate provision is made through the applicant's lease with the Borough for the existing facility. The Board requested that the memorializing resolution include the Board's finding regarding parking, with a provision that the Board's approval of the application without parking on site is subject to continuation of the lease arrangement with the Borough for the Boys and Girls Club.

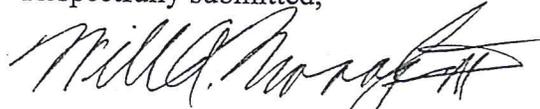
A motion was then made by Vice Chairman Lucibello, seconded by Ms. DiMattia and approval by a vote of 6-0 to grant the application for site plan approval, bulk variances and waivers from checklist requirements subject to preparation of a memorializing resolution by the Board attorney including the condition that the applicant submit a deed containing the restriction regarding parking for review and approval by the Board attorney.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:41 P.M.

Respectfully submitted,



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