

Hawthorne Planning Board Minutes of September, 2016 Work Session

The September 6, 2016 meeting of the Hawthorne Planning Board was called to order at 7:30 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 were present as well as Board engineer Michael J. Kelly, P.E. 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.

CORRESPONDENCE – None

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **HSQ Auto Sale LLC**, Abdel Karim Dandis, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease the subject premises as a wholesale car dealer. The site was previously occupied by a similar business. No retail sales would take place at the premises and no repairs would be performed on site. The applicant would maintain an office on the premises and water/sewer utilities are connected. A motion was then made by Mayor Goldberg, seconded by Mr. Ruta and approved by a vote of 7-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney with the following conditions: (1) The applicant must obtain a wholesale automobile dealer's license from the Borough of Hawthorne as well as any other applicable governmental approvals; (2) No vehicles may be loaded or unloaded on Wagaraw Road; (3) No deliveries may be made to or from the site by tractor trailer car carriers; (4) No vehicle repairs may be performed at the site; (5) The applicant must maintain a log of vehicles sold from the site; and (6) Water and sewer utilities must be activated.

2. With regard to the application of **Head to Head, LLC**, Marta Alfano, owner of the applicant, and Sam Alfano, owner of the subject property appeared on behalf of the applicant. After being sworn, they testified that the applicant proposes to expand its operations into the remainder of the first floor of the building. In addition to its present head lice treatment services, the applicant intends to operate a hair salon and waxing center. Sixteen on-site parking spaces are available. No exterior changes to the premises are proposed. A motion was then made by Mr. Ruta, seconded by Vice Chairman Lucibello 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 with the condition that the applicant is permitted to utilize a new business name for the hair salon in the future without the requirement for another appearance before the Board.

3. With regard to the application of **Avid Motorsport LLC**, Phoyoe Soe, one of the owners, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease approximately 4,300 square feet in the subject premises as an auto detailing business specializing in application of vinyl wrap and tinting, focusing on higher end vehicles. All work would be performed inside and no mechanical work would be done. Business is conducted primarily by appointment. Two on-site parking spaces would be allocated to the applicant by lease. No exterior changes to the premises are proposed. A motion was then made by Mayor Goldberg, seconded by Mr. Matthews and approved by a vote of 7-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney with the condition that no outside storage of products or equipment is permitted.

OLD BUSINESS

1. With regard to the application of **293 Lafayette, LLC**, Darryl Siss, Esq. appeared as attorney for the applicant. He made an opening statement in which he indicated that the applicant is the contract purchaser of the subject property noted as Block 105, Lot 13 on the Borough Tax Map. The adjacent property, Lot 12, is owned by EMS Realty Associates and is utilized as a parking lot for the Hawthorne Theater. The subject property is located in the B-2 Central Business Zone. Mr. Siss described the applicant's proposal to demolish the existing building on Lot 13 and construct a new two story building consisting of approximately 12,500 square feet. He explained that the adjacent property, Lot 12, is included as part of the application based on an agreement between the respective property owners for the use of the parking lot on Lot 12 by the occupants of the applicant's proposed building. He offered as Exhibit A-1 an Easement Agreement which has been executed but not yet recorded which sets forth the terms of the parking arrangement. Mr. Siss also offered as Exhibit A-2 a copy of his letter dated August 29, 2016 to the owner of the adjacent property to the north advising that construction of the proposed building would block access to a loading door on the adjacent owner's building. Mr. Siss represented that he spoke to the adjacent owner who indicated that he had no objection to the applicant's proposal.

Mr. Monaghan noted the receipt of a letter dated August 26, 2016 from the Passaic County Planning Board. The letter set forth conditions for approval of the applicant's proposal by the County Board. Mr. Siss indicated that the applicant could comply with the County requirements but discussion took place regarding the County's request for angled parking spaces since eight parking spaces would be lost as a result of revision of the parking plan. Mr. Kelly agreed to provide a copy of the pedestrian study requested by the County to Mr. Siss.

Mr. Siss then called as his first witness Gabriel Juliano. After being sworn, he testified that he is one of the partners of the applicant, 293 Lafayette, LLC. He indicated that the applicant proposes to develop a two story commercial building

with a mansard roof. If approved, an existing medical practice would move into the building together with a primary care doctor. Although the building is proposed to be occupied primarily by medical offices, some retail uses are possible. Mr. Juliano stated that the proposed uses would be less intense than the Heart-Lung Center which formerly occupied the existing building on the site. He also offered his opinion, based on his experience as a developer of commercial properties, that the proposed parking for the site, utilizing the adjacent parking lot in accordance with the easement agreement, would be adequate and that 9 foot by 18 foot parking spaces are reasonable for this situation. He advised the Board that the basement would be used only for storage, primarily for medical records, and that the building would be sprinklered. Approximately 25% of the total square footage of the proposed building would be occupied by a wound care medical practice and a primary care doctor on the first floor.

Mr. Siss called as his next witness Bruce D. Rigg, P.E., P.L.S., P.P. Based on his numerous previous appearances before the Board, Mr. Rigg was offered and accepted as an expert witness. After being sworn, Mr. Rigg testified that he prepared the site plans submitted in support of the application. He described Exhibit A-3, the site plan dated June 21, 2016 consisting of five sheets. The existing conditions shown on the plans are a two story building and a garage on Lot 13 which the applicant is under contract to purchase and the parking lot on Lot 12 owned by EMS Realty Associates. All existing buildings on Lot 13 are to be demolished. Existing access to the subject site is from Lafayette Avenue with the exit on Grand Avenue. Sheet 3 of the plans shows the proposed building to be erected with the front of the building facing the parking lot, not Lafayette Avenue. The building size would be a total of 14,465 square feet with a rentable area of 12,500 square feet. A sideyard variance would be required for both sides of the property.

Fifty-seven parking spaces (9 feet by 18 feet) are shown on the plan. Under the general parking provision in the borough ordinance, based on square footage, sixty-three spaces would be required; using the standard for doctors' offices, assuming occupancy by twelve doctors, eighty-eight spaces would be required.

Mr. Rigg indicated that landscaping is shown at the building entrance and in the rear of the property. LED lighting is proposed on the building and on light posts.

Mr. Rigg represented that the fence shown on the south side of the parking will be replaced with a guard rail on top of the wall which will eliminate the need for a variance for fence height. The applicant will also add bollards in front of the parking spaces adjacent to the building entrance.

Mr. Rigg indicated that he had discussed the angled parking issue with a representative of the Passaic County Planning Board. He offered as Exhibit A-4 a sketch plan showing the parking lot with angled spaces as requested by the County

Board. As shown on the sketch plan, eight fewer spaces would be provided with angled spaces.

Discussion then took place regarding the parking requirement applicable in the B-2 Central Business Zone. Mr. Monaghan advised the Board that although historically both the Planning Board and Zoning Board have taken the position that commercial properties in the B-2 Zone are not subject to a parking requirement, review of the zoning ordinance has not located a specific exemption set forth in the ordinance. The consensus of the Board was to make a finding of fact that there is no parking requirement applicable to the B-2 Zone but to approve a variance in this situation to protect the applicant and possible subsequent owners in the event the issue is raised in the future.

Mr. Rigg indicated that a building height variance is required based on a proposed height of 26.9 feet where a maximum of 25 feet is permitted. The Board noted that the maximum height permitted for residential buildings is 35 feet and questioned the rationale for the lower limit in a business zone.

Discussion then took place between Mr. Rigg and Board engineer Michael Kelly regarding issues raised in Mr. Kelly's report dated August 2, 2016. Mr. Kelly noted that fence height around the dumpster is proposed to be six feet where four feet is permitted. Mr. Rigg confirmed that the sanitary sewer connection will be made into Lafayette Avenue. He also stated that impervious coverage on the site will be reduced by the addition of islands in the parking area.

Mr. Kelly recommended that the sidewalk along Grand Avenue be extended to the south property line and also suggested that the Board retain the right to require modifications to the lighting plan for a period of six months after installation.

Mr. Siss then called as his next witness Edward A. Easse, R.A. and P.P., the applicant's architect and planner. Based on his numerous prior appearances before the Board, he was offered and accepted as an expert witness. He testified that he prepared Exhibit A-5, architectural plans consisting of three sheets, dated February 11, 2015 and last revised June 23, 2016. He described the proposed structure as a rectangular building fronting on the parking lot. The building would have a full basement for storage, with an elevator to the basement and second floor. It would be a multi-use, ADA compliant structure with a brick façade and a covered walkway at the front entrance. Mr. Easse stated that the proposed height is necessary to accommodate the anticipated medical uses but represents a reduction in height from the existing building on the site. A mansard roof is proposed to hide the air conditioning units which would be located on the roof. The applicant would clean up the existing parking lot.

Mr. Easse offered his opinion that the roof overhang provides the covered walkway at the building entrance and provides justification for the required variance. In

addition, the overhang is located next to an open parking lot and would not negatively impact a neighboring property.

With regard to parking space size, Mr. Easse stated that nine feet by eighteen feet is now the planning standard. Similarly, he indicated that a twenty-four foot back-up width is also standard. Based on the proposed one-way traffic through the site, he offered his opinion that the benefits of granting the requested variances outweigh the detriments.

Mr. Siss then rested his presentation on behalf of the applicant.

The hearing was opened for public comment but no members of the public requested the opportunity to speak.

The Board then deliberated regarding the merits of the application. Board members expressed the opinion that the applicant's proposal would enhance the downtown area, would be consistent with planned streetscape upgrades and would represent an improvement to the business district. The new building would be more esthetically pleasing as a replacement of the existing vacant structure.

The Board reaffirmed its position regarding parking as discussed earlier in the hearing and authorized the Board attorney to forward a letter to the Passaic County Planning Board expressing the Board's position regarding angled parking.

A motion was then made by Mayor Goldberg, seconded by Mr. Matthews and approved by a vote of 7-0 to approve the application for preliminary and final site plan review subject to preparation of a memorializing resolution by the Board attorney incorporating the conditions set forth on the record as well as the conditions included in the report of the Board engineer.

NEW BUSINESS – None

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 10:15.

Respectfully submitted,

William A. Monaghan, III
Board Attorney/Secretary