

## **Hawthorne Planning Board Minutes of November, 2011 Regular Meeting**

The November, 2011 regular meeting of the Hawthorne Planning Board was called to order on November 22, 2011 at 7:35 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 Mr. Ruta and Mr. Kowalski 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.

### **MINUTES**

1. On a motion made by Vice Chairman Lucibello and seconded by Mr. Matthews, the Board approved the minutes of the October regular meeting and November work session.

**CORRESPONDENCE** – None

### **BILLS**

1. A motion was made by Ms. DiMattia, seconded by Mr. Matthews, and approved by a vote of 7-0 to approve payment of bills of the Hawthorne Press for Invoice No. 987562 in the amount of \$23.40 and Invoice No. 987566 in the amount of \$28.08.

### **RESOLUTIONS**

1. With regard to the application of **A Mac Contracting, Inc.**, a motion was made by Ms. DiMattia, seconded by Mr. Matthews and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its October 18, 2011 meeting.
2. With regard to the application of **The Chocolate Box, LLC**, a motion was made by Ms. DiMattia, seconded by Mayor Goldberg and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its November 1, 2011 meeting.
3. With regard to the application of **Henry's Plumbing & Heating Supply Co., Inc.**, a motion was made by Mr. Matthews, seconded by Vice Chairman Lucibello and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its November 1, 2011 meeting.

4. With regard to the application of **JB Lighting Production, LLC**, a motion was made by Mr. DeAugustines, seconded by Vice Chairman Lucibello and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its October 18, 2011 meeting.
5. With regard to the application of **Rainbow Specialty Colors, Inc.**, a motion was made by Mr. Matthews, seconded by Mr. DeAugustines and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its October 18, 2011 meeting.

**CERTIFICATE OF COMPLIANCE PLAN REVIEW** – None

**OLD BUSINESS**

1. With regard to the application of **204 Wagaraw Road, LLC**, Darryl Siss, Esq., appeared as attorney for the applicant. He made an opening statement in which he indicated that notice of his client's application had been published and served in accordance with the requirements of the Municipal Land Use Law. He represented that payment of the required engineering escrow had been made. He described his client's proposal as an application for site plan approval for a food market consisting of approximately 42,000 square feet with smaller units closer to the street. The plans submitted in support of the application are noted in detail in the Board engineer's reports and were last revised on November 4, 2011. He stated that the proposed use is a permitted conditional use in the zone and all conditions have been met. He advised the Board that he would present three witnesses in support of the application, the applicant's site engineer, traffic engineer and architect.

Mr. Monaghan noted that the Board engineer had submitted reports dated October 31, 2011, November 1, 2011 and November 17, 2011. He advised the Board that reports had not yet been received from the Police Department, Fire Department and Environmental Commission.

Mr. Siss then called as his first witness, Calisto Bertin, P.E. After being sworn, Mr. Bertin reviewed his credentials and experience, indicating that he has been licensed as a professional engineer in New Jersey and five other states since 1985. Without objection, he was offered and accepted as an expert witness. He then described the applicant's proposal. The site consists of 8.67 acres with 665 feet of frontage along Wagaraw Road. He utilized a colored rendering of the site plan which was marked as Exhibit HM-1 (11/22/11). The property is located in the I-1 Zone with the R-2 Zone across Wagaraw Road. It is triangular in shape and is constrained by riparian and wetlands buffer requirements. The plan proposes a commercial structure with the main tenant, a food market occupying approximately 41,000 square feet and an additional 10,000 square feet to be utilized by a maximum of four additional tenants. Primary access to the site would be at the signalized intersection of

Wagaraw Road and Lafayette Avenue. The traffic signal would be reconstructed to provide for the new traffic pattern at the intersection. A second driveway would be constructed at the intersection of Wagaraw Road and May Street. Tractor trailers would utilize the secondary driveway for ingress to the site.

Mr. Bertin then reviewed Board engineer Michael Kelly's letter dated November 17, 2011. Mr. Bertin gave the following responses to the corresponding numbered paragraphs in Mr. Kelly's report:

7. The applicant will provide the zoning ordinance reference on the Title Sheet
8. The applicant will show a path through the site for pedestrian access to the river as well as an area reserved for future access.
9. Dumpsters will be provided for the smaller tenants with a recycling area behind the multi-tenant building with a masonry enclosure.
12. The applicant has no plans for outdoor sale of items, and vending machines will be inside the store. The applicant proposes a propane tank storage area in the front of the store.
13. The applicant proposes to replace the existing sidewalk and curb. Brick pavers will be installed as well as eight decorative light fixtures on the applicant's property, not in the public right of way. The light fixtures will match those on Lafayette and Diamond Bridge Avenues.
16. The proposed flag will be illuminated at night.
17. All parking spaces will be 9-1/2 feet wide.
18. 253 parking spaces, 9-1/2 feet by 18 feet, will be provided, with 25 foot aisle width.
20. Employee parking spaces will be striped white as shown on the plans.
- 6a. In response to a suggestion by Steve Lydon, PP, appearing on behalf of Borough planner, Burgis Associates, the proposed parking islands will be changed to striped macadam to eliminate the ordinance requirement for shade tree plantings.
22. Mr. DeAugustines indicated that the Fire Department will request an additional fire hydrant to those shown on the plans. A report from the fire chief will be submitted.
27. Mr. Kelly will review the proposed sanitary sewer connection.

28. The applicant's drainage application will be reviewed by NJDEP and the applicant will work with the Board engineer and NJDEP to resolve any stormwater issues.

29. The applicant proposes a total of 25 LED pole light fixtures, 17 in the parking lot and 8 decorative fixtures along the property frontage. The fixtures will have an average intensity of 1.5 lumens.

31. Mr. Bertin represented that the pole fixtures will not be subject to a depreciation factor or dirt factor, will point downward and will not spill over on adjoining residential areas. Mr. Kelly will review the depreciation/dirt issue.

32. The applicant agreed to a condition in any resolution of approval that the Board would retain the right to review the lighting at the site and require modifications for a period of six months after the center opens for business.

33. The applicant will provide a proposed lighting plan for time periods when the smaller tenants are not open for business.

46. Mr. Bertin indicated that irrigation is not proposed for the site. A hedgerow will be created across the front of the parking lot. Mr. Matthews requested that the applicant add three more trees in front of the building. The applicant agreed to comply with Mr. Lydon's recommendations that the applicant provide a greater variety of trees and shrubs and provide plantings in conjunction with the free-standing sign.

51. The applicant provided a copy of a Wetlands Letter of Interpretation from NJDEP dated March 19, 2009. The letter was marked as Exhibit HM-2 (11/22/11).

52. Mr. Bertin indicated that an application is pending with NJDEP for approval of encroachment upon Wetland Transition Areas.

54. The applicant submitted a copy of a "No Further Action" Letter from NJDEP dated May 22, 2008 with regard to remediation of soil contamination. The letter was marked as Exhibit HM-3 (11/22/11). Mr. Bertin advised the Board that ground water is still being monitored by wells on the site and the previous owner remains liable for environmental compliance.

38. The applicant agreed to widen the curb radii as requested by Mr. Kelly.

56. The Board determined that the area of the proposed free standing sign complies with the ordinance requirement.

The hearing was then opened for questions from the public regarding Mr. Bertin's testimony. Councilman Joseph Wojtecki questioned the placement of the handicapped spaces in the parking lot and the details of egress from the secondary

driveway. He also reiterated the request for an additional fire hydrant. Mr. Bertin advised him that no solar panel installations were proposed or contemplated.

Mr. Siss called as his next witness Randall Voinier. After being sworn, Mr. Voinier indicated that he has bachelor's and master's degrees in civil engineering, has been a licensed professional engineer in New Jersey since 1984, is a member of the Institute of Traffic Engineers and has been a specialist in traffic engineering since the 1980's. Without objection he was offered and accepted as an expert witness. He indicated that he had prepared the Traffic Impact Study dated October 18, 2011 which was submitted as part of the application documents. He distributed copies of a letter dated November 18, 2011 from Bertin Engineering to Passaic County Planning Board Principal Planner Elizabeth Newton as a supplement to the Traffic Impact Study. The letter was marked as Exhibit HM-4 (11/22/11). He indicated that as demonstrated on the chart on page 3 of Exhibit HM-4, he was able to achieve Level of Service C with changes to the timing of the signal. He then reviewed the garbage truck circulation plan shown on Sheet C2.9 of the applicant's plans and the tractor trailer truck circulation plan shown on Sheet C2.10 of the plans. Mr. Kelly indicated that he had reviewed the applicant's traffic impact study as well as the report dated November 17, 2011 from the Passaic County Planning Department. Mr. Kelly requested that the applicant submit a revised traffic impact study based on the County recommendations, including any changes to the configuration of the Wagaraw/Lafayette intersection.

A motion was then made, seconded and unanimously approved to adjourn the hearing until the December 20, 2011 Board meeting.

**NEW BUSINESS** – None

**PUBLIC**

The meeting was then opened for public comment without response.

The meeting was then adjourned at 10:20 P.M.

Respectfully submitted,

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