

Hawthorne Planning Board Minutes of February, 2014 Regular Meeting

The February, 2014 regular meeting of the Hawthorne Planning Board was called to order on February 18, 2014 at 7:37 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. DeAugustines and Ms. DiMattia 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 Mayor Goldberg and seconded by Vice Chairman Lucibello, the Board approved the minutes of the February work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Kowalski, seconded by Vice Chairman Lucibello, and approved by a vote of 6-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 989126 in the amount of \$15.60.

RESOLUTIONS

1. With regard to the applications of **Diamond Bridge Sushi** and **NT Trading LLC**, a motion was made by Mayor Goldberg, seconded by Mr. Kowalski and approved by a vote of 5-0 to approve resolutions memorializing the actions taken by the Board at its February 4, 2014 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW – None

OLD BUSINESS

1. With regard to **John Hryncewich**, Darryl Siss, Esq. appeared as attorney for the applicant together with the applicant, John Hryncewich and Bruce D. Rigg, P.E., the applicant's engineer, for the continuation of the hearing on the subdivision application. Mr. Rigg, Mr. Hryncewich and Board engineer Michael Kelly were placed under oath.

Mr. Siss advised the Board that the applicant had withdrawn his request for a minor subdivision. He also noted the applicant's request for a waiver of the RSIS requirement for sidewalks on both sides of Sotnick Street. Mr. Kelly confirmed that if the Board grants the waiver request, notification is required to the NJ Division of Community Affairs.

Mr. Siss indicated that the applicant had submitted plans revised through January 6, 2014. He distributed copies of a revised exhibit list including A-26, a letter from Mr. Rigg to Mr. Kelly outlining changes on the revised plans.

Mr. Siss then re-called Mr. Rigg for additional testimony. He reviewed the changes to the plans in the latest revision. He indicated that the drainage report dated January 6, 2014 had been revised to conform to the recommendations made by Dr. Hormoz Pazwash of Boswell Engineering. He described Exhibit A-22 which is a possible alternate layout for proposed lots E and F.

He then discussed the steep slope variances requested by the applicant. He noted that the standards to be met by the applicant for approval of the variances are set forth in Borough Code section 540-160A(4)a, b and c. He offered his opinion that based on prior development, some of the areas in question have been subject to disturbance and are not in a "natural state" under the terms of the applicable ordinance. One such area is the existing sanitary sewer easement. In support of the steep slope variance requests, he indicated that removal of a driveway area on proposed Lot G will return that area to grass rather than impervious pavement. He advised that the variance noted in paragraph 11(k) of Mr. Kelly's report dated January 16, 2014 could be eliminated by creating a strange lot shape.

Vice Chairman Lucibello raised a question about the method of calculating the areas of steep slope disturbance. Mr. Kelly indicated that he concurred with the applicant's calculations.

With regard to proposed Lot F, Mr. Rigg indicated that the proposed dwelling would be built into the side of the hill. The areas next to the dwelling would remain steep slopes and would be stabilized with landscaping.

With regard to stormwater management, roof runoff would be directed into an underground drywell system and driveway runoff would flow into the road. Driveway grates have been removed from the plans. Mr. Rigg stated that based on the applicant's stormwater management plan, no increase in runoff from the site would occur as a result of the proposed development. A question was raised as to where the stormwater from Braen Avenue is directed and Mr. Kelly will investigate.

With regard to the alternate layout of Lots E and F described earlier by Mr. Rigg, he testified that the amount of steep slope disturbance would be reduced but not eliminated, with variance relief still required.

Mr. Rigg stated that in his opinion, the applicant can comply with all of the ordinance conditions required for approval of the necessary steep slope variances.

He reiterated his opinion that the applicant's proposal meets both borough and RSIS requirements for stormwater management. With regard to the report of the Environmental Commission, Mr. Rigg indicated that the applicant can comply with the recommendations of the Commission with the exception of nonstructural stormwater management measures. He stated that those measures are not practical for the subject site but are more suited to commercial developments.

With regard to the review letter received from the Hawthorne Fire Department, Mr. Rigg indicated that the applicant would comply with the request for an additional hydrant.

With regard to off-street parking, Mr. Rigg stated that for the two family houses, the applicant proposes two garage spaces and two driveway spaces.

Mr. Kelly then reviewed and discussed applicable issues raised in his report dated January 16, 2014 and referenced by paragraph number as follows:

12. Since the RSIS cul-de-sac radius standard is 48 feet, Mr. Kelly had no objection to a waiver.

20. After discussion, Mr. Kelly did not object to the increase of the proposed right-of-way for Sotnick Street.

29-30. The applicant has submitted a soil movement application which will be reviewed by Mr. Kelly.

32. The sanitary sewer easement will be relocated. A new easement agreement will be required for proposed Lot F and the existing easement agreement will be vacated.

35. Mr. Rigg will examine the existing retaining wall.

38. The applicant is aware of the existing encroachments from an adjoining property and will permit the encroachments to remain for the present time.

39. The applicant proposes curbside pickup of solid waste.

40. Gas and electric utilities will be underground.

17-19 + 21-23. The applicant will comply.

31. Sewer flow calculations will be submitted.

33. Water demand and fire flow calculations will be provided.

36. Mr. Rigg noted that if the alternate layout for proposed Lots E and F is utilized, more trees would be required to be removed.

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

The hearing was then opened for public comment. Dave Hoskins of Braen Avenue advised the Board that a spring runs through the subject site. He also expressed his opinion that the density of the project should be reduced.

Margaret Elwood, 76 Braen Avenue, asked about the location of existing stormwater inlets.

Deborah Klein, 987 Lafayette Avenue Extension, expressed concern about the impact of the proposal on parking in the area and questioned the number of bedrooms proposed for the two family houses.

Kathy DeBrock, 79 Braen Avenue, also indicated concern with parking and drainage, given a long history of stormwater problems in the area.

Since no other members of the public requested the opportunity to speak, a motion was made, seconded and unanimously approved to close the public portion of the hearing.

Discussion then took place among Board members. Mr. Matthews noted the substantial increase in the number of dwelling units from four existing units to twelve proposed units. He requested that the applicant consider decreasing the proposed density as well as combining Lots E and F considering the significant steep slope disturbance. Vice Chairman Lucibello concurred with Mr. Matthews and also suggested that the applicant consider revising the proposal to eliminate the two family houses in favor of one family houses.

Chairman Garner indicated that Board members required additional time to consider and evaluate the testimony presented by the applicant. Mr. Siss preferred to make a closing statement on behalf of the applicant at the next hearing. A motion was then made, seconded and unanimously approved to adjourn the hearing to the March 18, 2014 Board meeting.

2. With regard to **TJM Properties II LLC**, Marco Scaba appeared on behalf of the property owner. Mr. Monaghan distributed copies of a letter report dated February 10, 2014 from Richard L. Eichenlaub, P.E. of R.L. Engineering, Inc. indicating that in his opinion, the steel framing beams spanning Goffle Brook can be removed without causing any structural problems. Board engineer Michael Kelly reviewed the report and accepted Mr. Eichenlaub's opinion. Mr. Scaba was advised that a demolition permit would be required for the removal of the beams. In response to Mr. Kelly's question, Mr. Scaba indicated that the work would be performed as soon as weather conditions permit.
3. With regard to the application of **Four Season Limousine Corp.**, Mr. Monaghan reported that no response had been received from the applicant regarding a new proposed location for the business. A motion was then made, seconded and unanimously approved to carry the application to the March 4, 2014 work session and to direct Mr. Monaghan to notify the applicant that the application will be denied without prejudice unless the applicant is prepared to proceed at the March 4 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