

Hawthorne Planning Board Minutes of December, 2013 Regular Meeting

The December, 2013 regular meeting of the Hawthorne Planning Board was called to order on December 17, 2013 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 Vice Chairman Lucibello 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 Mr. DeAugustines and seconded by Mr. Matthews, the Board approved the minutes of the November regular meeting.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mayor Goldberg, seconded by Mr. Kowalski, and approved by a vote of 6-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 988954 in the amount of \$47.58.

RESOLUTIONS

1. With regard to the application of **Bogie's Hoagies**, a motion was made by Mr. Ruta, 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 November 26, 2013 meeting.
2. With regard to the application of **V. Paulius & Associates**, 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 December 3, 2013 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Four Season Limousine Corp.**, Mr. Monaghan reported the receipt of a letter from the applicant requesting an adjournment. A motion was then made, seconded and unanimously approved to adjourn the application to the February 18, 2014 Board meeting.

OLD BUSINESS

1. With regard to the application of **John Hryncewich**, Darryl Siss, Esq. appeared as attorney for the applicant. He made an opening statement in which he indicated that the lots which are the subject of the application are owned respectively by John Hryncewich (Lot 9), Capra, LLC (an entity owned by Mr. Hryncewich) (Lot 8), and Carmelo Buccheri (Lot 7) who has consented to the filing of the application. The application seeks approval for a minor subdivision of Mr. Hryncewich's homestead lot and preliminary major subdivision predicated on approval of the minor subdivision. The proposed uses, one and two family residences, are permitted in the respective zones, but bulk and steep slope variances as well as waivers are required for approval of the development. Mr. Siss stated that he intends to show that the benefits of the development would be the elimination of the existing non-conforming commercial uses on one of the lots, elimination of the existing non-conformity of two dwelling units on one lot, improvement of Sotnick Street and installation of stormwater management measures on each new proposed lot. Mr. Siss also provided copies of an exhibit list and list of Board exhibits.

Mr. Siss then called as his first witness John A. Hryncewich, Jr. After being sworn, he testified that he currently resides in the house on Lot 9. Lot 8, owned by Capra, LLC contains commercial buildings consisting of approximately 9,000 square feet. He indicated that Lot 8 was re-zoned in the 1960s or 1970s from commercial to residential use. Mr. Hryncewich's father operated a textile business on Lot 8 from approximately 1929 - 2010. Mr. Hryncewich continues to operate a business on the site to the present time. Lot 8 also contains one home which is occupied and one home which is used for storage. He advised the Board that he has not yet decided whether he would build the proposed new residences on his own or with a partner.

At the conclusion of his testimony, two members of the public were permitted to ask questions of Mr. Hryncewich on his testimony. Margaret Elwood asked about his plans for the minor subdivision of Lot 9, and David Hoskins asked whether he actually resided in the house on Lot 9.

Discussion then took place regarding the minor and major subdivisions, particularly the status of the commercial structure. Board members expressed their feeling that approval of the minor subdivision should be conditioned on demolition of the commercial building.

Mr. Siss called as his next witness, Bruce D. Rigg, P.E., the applicant's engineer. After being sworn, based on his numerous appearances before the Board, he was accepted as an expert witness. Mr. Kelly was also sworn at the same time.

Mr. Rigg testified that he prepared the minor and major subdivision plans submitted in support of the application. He distributed to Board members packets of documents listed as A-22 through A-25 on the Exhibit List provided by Mr. Siss.

He described the boundaries of the R-1 and R-2 zones as they apply to the subject lots. He indicated that no existing properties within 200 feet of the subject site meet the current frontage requirement of 125 feet. He expressed his opinion that the lot widths for the proposed new lots in the R-1 Zone would be consistent with existing conditions in the neighborhood. With regard to existing conditions, he indicated that the Buccheri property (Lot 7) and Capra I, LLC property (Lot 8) have very small frontages on Sotnick Street. A sanitary sewer easement runs through the site. The Buccheri property would not be significantly affected by the development and the existing residence would remain.

With regard to the minor subdivision, existing non-conformities for sideyard setback and distance to the centerline of the street would remain. Mr. Rigg stated that Sotnick Street is a dedicated public street but does not meet borough standards.

Mr. Rigg then reviewed the proposed site layout for the major subdivision as shown on Exhibit A-4 (Sheet 3 of the major subdivision plan). He indicated that four two family lots and two one family lots are shown on the plans. He outlined the bulk variances required for approval. He noted that the lot width calculations used for determination of variances are shown on Exhibit A-19. He stated that a retaining wall proposed to be added to the Buccheri lot will require a variance for the length of the wall but will improve access to the lot by changing the driveway grade. Exhibit A-24 shows an alternate layout for proposed Lots C and D which would eliminate the frontage variances. Mr. Rigg indicated that no variances are required for the two family lots. The plans depict footprints for proposed dwellings of 1,500 square feet resulting in 3,000 square foot houses. Exhibit A-5 is the Grading and Utilities Plan which provides for all drainage from Sotnick Street being carried to Braen Avenue. The existing sanitary sewer easement would be reconfigured and placed into the right of way of Sotnick Street. All utilities for the development would be located underground. Each proposed lot would have trench drains at the driveways and individual seepage pits.

Mr. Kelly indicated that his office would review the individual plot plans prior to commencement of construction in order to issue building permits. He also recommended that the Board consider, as a condition of approval, the inclusion of deed restrictions requiring maintenance of seepage pits and trench drains by the individual lot owners.

Mr. Rigg also noted that the total amount of impervious surface at the site would be reduced based on the demolition of the existing commercial structures. He also suggested that tree removal be limited initially to those trees necessary for road and sewer line improvements.

Given the lateness of the hour, Chairman Garner suggested that the applicant conclude the presentation for the evening. At the next meeting, the applicant will

present testimony regarding steep slopes, shade trees, soil movement and stormwater issues.

The hearing was then opened for public questions regarding the testimony presented by the applicant. Margaret Elwood asked about the height of the proposed structures and the number of stories. Cathy DeBrock questioned whether any approval granted by the Board would be binding on subsequent owners. David Hoskins asked about provisions for drainage. Mr. Siss gave him a set of plans for his review.

A motion was then made, seconded and unanimously approved to close the public portion of the hearing. After brief discussion, a motion was made, seconded and unanimously approved to adjourn the hearing until the January 21, 2014 Board meeting without further notice or publication. Mr. Siss agreed on behalf of the applicant to extend the statutory time period for Board action.

2. With regard to the application of **Ulma Form Works, Inc.**, Aitor Fabian, president of the applicant appeared. After being sworn, he advised the Board that the fence has been re-built, the driveway re-located and new signs installed as required by the Board as conditions of approval. Based on his representations, the Board deemed the conditions in the resolution of approval satisfied.

NEW BUSINESS

1. After brief discussion, the Board unanimously approved a motion to adopt a schedule of meetings for the calendar year 2014. Mr. Monaghan will provide a copy to the Borough Clerk for posting on the Borough bulletin board and will make arrangements for publication of the schedule in the Hawthorne Press.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 10:05 P.M.

Respectfully submitted,

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