

Hawthorne Planning Board Minutes of March, 2009 Work Session

The March 3, 2009 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 except Mr. DeAugustines and Ms. DiMattia were present as well as Board engineer John M. Pacholek, P.E. and Board attorney/secretary William A. Monaghan, III, Esq. Mr. Pacholek introduced Michael J. Kelly, P.E., who will be the new representative to the Board from Boswell Engineering. Chairman Garner announced that notice of the meeting had been published and posted in accordance with the Open Public Meetings Act.

1. With regard to the application of **Citywide Towing**, Frank Thissen, owner and manager, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease a portion of the subject premises for the outdoor storage of abandoned vehicles towed at the request of the Hawthorne Police Department. The vehicles cannot be disposed of until receipt of "junk titles" from the NJ Division of Motor Vehicles which can take an extended period of time. Based on concerns expressed by Board members regarding the lack of specific information concerning the location of the parking area, number of vehicles involved, possible environmental issues since the area is in a flood zone and possible security problems raised by the Police Department, the Board declined to take action on the application. A motion was made, seconded and unanimously approved to adjourn the application until the April 7, 2009 Board meeting for the applicant to provide a survey or scaled drawing showing the proposed location of the vehicle storage area for further review by the Police Department and consultation by Mayor Goldberg with Chief Scully regarding the nature and extent of towing requirements for abandoned vehicles, and for testimony by the property owner regarding the proposed use.
2. With regard to the application of **A Riteway Construction**, no one appeared on behalf of the applicant.
3. With regard to the application of **Metal Shaping**, d/b/a Escalano Restorations, John Escalano, owner, and John Swanson, owner of the subject property, appeared on behalf of the applicant. After being sworn, they testified that the applicant proposes to lease a portion of the subject premises for the operation of a custom metal working business. One employee would be required for the operation of the business which is conducted by appointment only. Four on-site parking spaces would be allocated to the applicant by lease. No products or equipment would be stored on the outside of the premises and no exterior changes to the premises are proposed. A motion was then made by Vice Chairman Lane, seconded by Mr. Kowalski 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.

4. With regard to the application of **Raymond-Rhodes R.E. Inc.**, Rosalind Raymond, owner, appeared on behalf of the applicant. After being sworn, she testified that the applicant proposes to lease approximately 800 square feet on the first floor of the premises as a real estate office. Two full time and two part time employees would be required for the operation of the business. The space was previously used by a predecessor real estate and insurance business. Forty-one on-site parking spaces are used in common by occupants of the building and the property owner also has an agreement with the owner of an adjacent movie theater for shared parking. No exterior changes to the premises are proposed. A motion was then made by Vice Chairman Lane, 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.
5. With regard to the application of **G & S Financial Services LLC**, Peter Gostkowski, principal, and also principal of the property owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease approximately 1,600 square feet on the first floor of the premises for the operation of an insurance agency. Four employees would be re-located from the applicant's present office in Totowa for the operation of the business. The space was previously used by a predecessor real estate and insurance business. Forty-one on-site parking spaces are used in common by occupants of the building and the property owner also has an agreement with the owner of an adjacent movie theater for shared parking. No exterior changes to the premises are proposed. A motion was then made by Vice Chairman Lane, 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.
6. With regard to the application of **Hawthorne Wound Care PC**, Dr. John Strobeck, owner, and Dr. Michael Torsiello, staff physician, appeared on behalf of the applicant. After being sworn, they testified that the applicant proposes to lease approximately 2,300 square feet on the first floor of the premises for the operation of a medical facility for the care and treatment of serious chronic wounds. One plastic surgeon, two medical technicians and a receptionist would be required for the operation of the wound center which could treat six patients per hour. Forty-one on-site parking spaces are used in common by occupants of the building and the property owner also has an agreement with the owner of an adjacent movie theater for shared parking. No exterior changes to the premises are proposed. A motion was then made by Vice Chairman Lane, 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.
7. With regard to the application of **Fisk Alloy Conductors, Inc.**, Ralph E. Faasse, Esq. appeared as attorney for the applicant together with Brian Fisk, vice president of the applicant, and Edward A. Easse, the applicant's architect. After being sworn, they testified that the applicant proposes to lease an additional 20,000 square feet in the subject premises for the expansion of its current business manufacturing stranded

copper alloy conductors for use in high tech applications. The applicant would utilize 60 total employees for three separate companies at the site. Seventy-three striped parking spaces are provided on a plan submitted by the applicant. 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.

OLD BUSINESS

1. With regard to the application of **The Market Basket**, Noel Holland, Esq. appeared as attorney for the applicant. He noted that work session review of the application had been conducted at the Board's February 3, 2009 meeting and that the present application represents an enhancement of prior site plan approval granted by the Board.

He called as his first witness Douglas Blauvelt, operations manager of the applicant. After being sworn, he testified that the applicant utilizes the premises as a warehouse/commissary facility in conjunction with the applicant's food service business. No retail activity is conducted at the site and the applicant is the sole occupant of the premises. Thirty-five employees work at the site.

Mr. Holland then offered the following documents as exhibits with regard to off-site parking for the applicant's use of the premises: MB-1 – a License Agreement dated October 18, 2006 with the owner of the adjacent premises for the use of eleven parking spaces; MB-2 – an Easement Agreement dated October 18, 2006 with the owner of the adjacent premises for the use of fourteen parking spaces; MB-3 a License Agreement dated August 26, 2008 with the owner of the adjacent premises for the use of an additional turnaround and parking area. Mr. Holland also indicated that since a portion of the improvement proposed by the applicant's site plan is located partially on property owned by the adjacent railroad, the applicant has negotiated a tentative lease agreement with the railroad. Execution of the lease is contingent upon approval of the applicant's site plan. Mr. Holland offered an unexecuted copy of the lease as Exhibit MB-4. Since the lease is renewable on an annual basis, the renewal of the lease would be required as a condition of approval of the application.

Mr. Holland called as his next witness Bruce D. Rigg, P.E., the applicant's engineer. Based upon his numerous appearances before the Board, he was permitted to testify as an expert witness. After being sworn, he described the site plan which he prepared on behalf of the applicant and which was last revised as of February 19, 2009. The plan provides for expansion of the driveway on the west side of the property with one-way truck traffic. Mr. Rigg gave his opinion that even at its minimum width of 14.4 feet at the rear of the building, the expanded driveway would be adequate for truck movement. Based on the configuration of the driveway on the west side, right turns into the driveway would be prohibited and appropriate signage would be placed. With regard to parking, Mr. Rigg indicated that the site plan provides 27 on-site spaces with a total of

52 spaces including the off-site spaces in accordance with the agreements with the adjacent property owner. Based on the number of employees at the site, 25 spaces would be required by ordinance. Since some of the parking spaces are 9 feet by 18 feet, a variance is required for parking space size. With regard to stormwater management, Mr. Rigg advised the Board that no additional impervious surface is proposed but seepage pits would be added. Based on the amount of proposed soil movement, the application could be reviewed by the Board engineer.

Mr. Rigg offered his opinion that the proposed site plan would provide for more freely flowing truck traffic and improved circulation at the site. He also testified that granting the variance for parking space size would not substantially impair the intent and purpose of the zone plan and zoning ordinance and could be granted without substantial detriment to the public good.

Board engineer, Michael J. Kelly, indicated that based on his visit to the site, and his review of the plans and Mr. Pacholek's report to the Board dated March 3, 2009, the applicant's drainage proposal was satisfactory and the width of the proposed driveway would be adequate. He recommended an additional safety feature along the curb on the west side driveway. After discussion between Board members and the respective engineers, the applicant agreed to place bollards along the driveway in accordance with the recommendation of the Board engineer.

The hearing was then opened for public comment without response. After brief discussion, a motion was made by Mr. Matthews, seconded by Mr. Lucibello and approved by a vote of 7-0 to grant the application for site plan review and parking space size variance subject to preparation of a memorializing resolution by the Board attorney.

2. With regard to the application of **J.F.W. Homes**, Leonard Miller, Esq. appeared as attorney for the applicant. He indicated that his client is seeking final subdivision approval with regard to the subdivision application which was given preliminary approval by the Board on February 19, 2008. Mr. Monaghan noted the receipt of a report from the Board engineer dated February 2, 2009.

Mr. Miller called as his first witness, Bruce D. Rigg, P.E., the applicant's engineer. After being sworn, on the basis of his numerous prior appearances before the Board, Mr. Rigg was accepted as an expert witness. He advised the Board that the applicant's plan had received preliminary approval from the Passaic County Planning Board. He also indicated that based on revision of the preliminary subdivision plan, two of the three proposed lots no longer require retaining walls. Only proposed Lot 10.03 will require a retaining wall and there will be no net soil movement for the grading of the site. After discussion, the applicant was advised that if subsequent purchasers of the other two lots decide that they wish to construct retaining walls, grading plans will be required, and if any changes in grading result from the proposed walls, review by the Planning Board will be required for approval of the wall design. With regard to Paragraph 35 of the Board engineer's review letter, after discussion among the Board

engineer, the applicant's engineer and Board members, the Board agreed that only one safety fence would be required on top of the proposed retaining walls on proposed lot 10.03. Based on the recommendation of the Board engineer, the applicant agreed to add a guardrail on the retaining wall on the south side of the driveway on proposed lot 10.03. Mr. Rigg also indicated that utility connections are already in place for the proposed development. A motion was then made by Vice Chairman Lane, seconded by Mr. Kowalski and approved by a vote of 7-0 to grant the application for final site plan approval subject to preparation of a memorializing resolution by the Board attorney.

NEW BUSINESS – None

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 10:15 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William A. Monaghan, III". The signature is fluid and cursive, with a large, sweeping flourish at the end.

William A. Monaghan, III
Board Attorney/Secretary