

Hawthorne Planning Board Minutes of February, 2009 Regular Meeting

The February, 2009 regular meeting of the Hawthorne Planning Board was called to order on February 17, 2009 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 Mayor Goldberg were present as well as Board engineer John M. Pacholek, 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. Lucibello, the Board approved the minutes of the January regular meeting and February work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Matthews, seconded by Mr. Lucibello, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 985510 in the amount of \$31.98.

RESOLUTIONS

1. With regard to the applications of **A & S Dry Cleaners** and **Cipriano Enterprises**, a motion was made by Mr. Lucibello, seconded by Mr. Matthews and approved by a vote of 6-0 to approve resolutions memorializing the actions taken by the Board at its February 3, 2009 meeting.
2. With regard to the applications of **Eagle Tile Contractors, Inc.**, **Groenewal/Ramsey Door**, **Kozlowski Masonry**, **Rice Creams, Inc.** and **Sasha's Hair Alternatives**, a motion was made by Mr. Ruta, seconded by Mr. Kowalski and approved by a vote of 6-0 to approve resolutions memorializing the actions taken by the Board at its January 20, 2009 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW – None

OLD BUSINESS

1. With regard to the application of **Realty Acquisition Group LLC**, Brian Chewcaskie, Esq. appeared as attorney for the applicant for the continuation of the hearing commenced at the January 6, 2009 Board meeting. Mr. Chewcaskie noted that the applicant had submitted revised plans prepared by Bertin Engineering in response to comments contained in the reports of the Board engineer as well as comments by Board members. Mr. Chewcaskie also indicated that the applicant had submitted, in response to a request by the Board, a traffic impact analysis to be supplemented by testimony by the applicant's traffic engineer. Mr. Monaghan noted the receipt of a letter dated February 16, 2009 from the Hawthorne Environmental Commission. Mr. Monaghan also advised the Board that the applicant had supplied, in response to a request by the Environmental Commission, copies of documents submitted to NJDEP in connection with the proposed remediation activities at the site.

Mr. Chewcaskie then recalled Drake Stinson, P.E., the applicant's engineer, still under oath, for additional testimony. Mr. Stinson reviewed the contents of his letter dated February 5, 2009 which enclosed copies of the revised plans. He indicated that the applicant changed the selection of proposed trees based on the recommendations of the Shade Tree Commission. Using a board-mounted copy of drawing C2.3, marked as Exhibit A-5, he described the proposed changes to the stormwater management plan made pursuant to the Board engineer's comments and recommendations. He also described revisions to the sanitary sewer system including a change in the location of the force main. He advised the Board that the stormwater management proposal as revised would decrease runoff from the site and have no detrimental effect on surrounding properties. Mr. Stinson noted the receipt of a memo from Dr. Pazwash, the Board engineer's stormwater expert, dated February 17, 2009, and advised the Board that the applicant would comply with the fifteen comments contained in the memo without the necessity for any design changes. Board engineer John Pacholek indicated that he has not yet received a review of the latest sanitary sewer revisions from his office. Mr. Stinson agreed to comply with any recommendations received from the Board engineer regarding the sewer design. Mr. Stinson indicated that the applicant would change the color of the proposed structures to an earth tone to match the existing building on the site.

Mr. Monaghan noted the receipt in the applicant's submittal of a letter from Allstate Sprinkler Corp. dated January 7, 2009 regarding the adequacy of pressure and flow for the fire hydrant at the end of Ninth Avenue. Mr. DeAugustines in his capacity as Fire Inspector indicated that the test results were satisfactory. Based on a request from Vice Chairman Lane, the applicant will obtain a letter certifying the licensing of the Allstate representative who conducted the tests.

Mr. Chewcaskie called as his next witness Gary W. Dean, PE, PP. After being sworn, Mr. Dean testified that he is a graduate of Lehigh University and is a licensed professional engineer in New Jersey and six other states. His specialty is traffic engineering and he has testified before approximately 350 Boards as well as courts in addition to teaching traffic engineering at several colleges and universities. Based on his education and experience, he was accepted as an expert witness. His written report dated February 6, 2009 was marked as Exhibit A-6.

Mr. Dean then described the methodology and results of the traffic impact analysis as set forth in his report. Traffic counts were conducted during the peak hours of 8-9 A.M. and 4:30-5:30 P.M. Based on the study, he found a level of service "B", measuring how well traffic functions, at the intersection of Van Winkle, Robertson and 9th Avenues during the peak traffic hours. He indicated that the study utilized the NJDOT protocol for analysis of the impact of a flex/warehouse/business park use at the subject site. He concluded that with the combination of existing conditions and the uses proposed by the applicant, the intersection would continue to maintain a level of service "B".

Mr. Dean also indicated that he reviewed the circulation plan for the site and found that large tractor trailers could enter and exit the premises without difficulty.

While recognizing the Borough's requirement for parking space size, he indicated that the industry standard is now 9 feet by 18 feet, which if permitted for this site would provide for additional spaces. He offered his opinion, however, that the 62 spaces proposed by the applicant would be adequate based on ITE standards for the proposed use which he stated would not be tractor trailer intensive.

With regard to the recommendation by the Hawthorne Police Department of a possible restriction on parking on Ninth Avenue, Mr. Dean stated that he would concur with the recommendation in the event that problems developed based on completion of the proposed development.

In conclusion, he offered his opinion that the proposed development would have minimal impact on traffic in the area and that the proposed site design provided for adequate parking and safe and efficient access and circulation.

During questioning of Mr. Dean by Board members, Mr. Matthews noted three factual errors in Mr. Dean's written report including an incorrect designation of the speed limit on Van Winkle Avenue. Vice Chairman Lane questioned why the Borough should be requested to enact a parking ordinance to benefit a developer. Board Engineer John Pacholek had no comments regarding Mr. Dean's testimony or the written traffic report.

After Mr. Chewcaskie indicated that he had concluded his presentation on behalf of the applicant, the hearing was opened for public comment.

Rayna Laiosa, Chairperson of the Hawthorne Environmental Commission, indicated that she had reviewed material supplied by the applicant regarding remediation of

contamination at the site. She stated that further investigation was required regarding the abandoned underground tank on the site and requested that the applicant consider "green design" in the construction of the project.

Diane Short stated that thirty families reside on the dead-end street and expressed concerns about the impact of the project on quality of life, safety and property values. She asked the Board to limit the size of the development.

Janet Roszkowski questioned the applicant's engineer regarding the size of the proposed fences and expressed her preference that the applicant not extend the sidewalk or include a door in the gate.

Richard Tolomeo expressed concern about the curve in Ninth Avenue and the danger from the increase in traffic which he anticipates from the proposal.

Chester Roszkowski offered the opinion that traffic would increase as businesses at the site grow.

Geoffrey Castello, a commercial and industrial real estate broker, offered his opinion that the applicant's proposal is the ideal and most benign use for the property.

John Curtin expressed concern that the expected increase in traffic would increase the risk of accidents, especially for children playing in the street.

Elaine Tolomeo questioned the methodology and results of the traffic study.

Mary Jane Clewell concurred with other comments regarding increased traffic and objected to approval of the applicant's variance requests.

Lou Danza also questioned the methodology of the traffic study.

A motion was then made, seconded and unanimously approved to close the public comment portion of the hearing. Discussion then took place during which Board members expressed concerns regarding the size of the project with regard to parking and traffic and the potential impact of the project on the surrounding residential area. The consensus of the Board was that while not opposed to the development, a reduction in the size of the proposed building was warranted. A brief recess was taken.

After resumption of the hearing, Mr. Chewcaskie indicated that his client had agreed to amend the application to eliminate one of the proposed condominium units and reduce the size of the new structure by 2,700 square feet.

Mr. Chewcaskie then made a summation to the Board. He argued that the subject site, located in an industrial zone with access only through a residential area, contains a deteriorating industrial building. The proposed use, although slightly larger than the existing use, would result in demolition of the existing deteriorating building. With

regard to the variances required for approval of the site plan, he argued that although the proposed structure would result in an increase in building coverage, the amount of impervious surface would be reduced and an improved stormwater drainage system is being provided. He urged the Board to find that the benefits of the plan outweigh the detriments and that the requested variances would have no substantial detriment to the zoning ordinance under the terms of the MLUL.

Chairman Garner then polled the members of the Board regarding their opinions of the application. Vice Chairman Lane objected to the gate and preferred a limitation on operation to six days per week. He also urged elimination of the first unit. Mr. Matthews, although in favor of the cleanup of the site, opposed the application based on its size. Mr. Lucibello favored removal of the end unit and retention of ten foot by twenty foot parking spaces. Mr. Ruta would prefer an additional downsizing but recognizes the positive aspects of the proposal. Chairman Garner expressed concern about further deterioration of the site if the application is not approved.

A motion was then made by Mr. Lucibello, seconded by Mr. Ruta and approved by a vote of 6-1 to approve the application for site plan review and variances, subject to preparation of a memorializing resolution by the Board attorney containing the conditions set forth on the record.

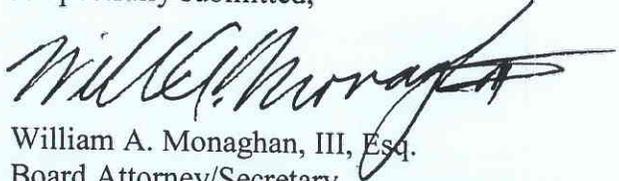
NEW BUSINESS – None

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 11:00 P.M.

Respectfully submitted,


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