

RESOLUTION #2016-001

**RESOLUTION OF THE BOARD OF ADJUSTMENT
THE BOROUGH OF HAWTHORNE**

In the matter of:

**204 Wagaraw Road, LLC
204 Wagaraw Road
Lots 8, 9.01 & 10.01, Block 12
Hawthorne, New Jersey 07506**

PREAMBLE

WHEREAS, The Applicant, 204 Wagaraw Road, LLC applied to this Board seeking Preliminary and Final Site Plan approval, together with D-1 Use Variance, D-6 Height Variance, Bulk Variance, and Waiver relief to permit a mixed use development consisting of five buildings for use as: 219 residential rental units (consisting of a total floor area of 286,932 sq. ft., see Exhibit A-70); approximately 6,000 square feet of retail; 4,000 square feet of office space and related site amenities in connection with the premises known as Lot 8, Block 12, commonly referred to as 204 Wagaraw Road, and Lots 9.01 and 10.01, Block 12, Hawthorne, New Jersey (hereinafter collectively referred to as the “Property” and individually referred to as “Lot 8” or Lot 10” as the case may be), all located in Hawthorne’s I-1 Zoning District which also includes the B-3 Overlay District; and

WHEREAS, the record consists of the following:

All evidence, testimony and plans submitted at the public hearings of December 15, 2014; January 19, 2015; February 9, 2015; February 23, 2015; April 20, 2015; May 18, 2015; June 15, 2015; July 20, 2015; September 21, 2015; October 26, 2015 and November 23, 2015 (See Exhibit A for a list of all of Applicant’s exhibits); the record also includes: Objector’s

Exhibits 0-1 to 0-3; Hawthorne Environmental Commission correspondence, dated June 12, 2015; and Board Exhibit ZBA-1; and

WHEREAS, Applicant submitted the following:

1. Borough of Hawthorne Zoning Board of Adjustment Application for Variance dated May 2, 2014;
2. Borough of Hawthorne Checklist for Required Submissions to the Planning Board or the Zoning Board of Adjustment, dated May 2, 2014;
3. Report entitled, "Stormwater Management Report, Rivergate, 204-272 Wagaraw Road, Hawthorne, Passaic County, New Jersey", prepared by Langan Engineering and Environmental Services, dated April 28, 2014, revised December 6, 2014;
4. Report entitled, "Traffic Statement for Rivergate Mixed-Use Development, 204 Wagaraw Road, Hawthorne, Passaic County", prepared by Langan Engineering and Environmental Services, dated April 24, 2014;
5. Site Plans (15 sheets) entitled, "Preliminary and Final Site Plan, Rivergate, Block 12, Lots 8, 9.01 and 10.01, 204-272 Wagaraw Road, Borough of Hawthorne, Passaic County, New Jersey", prepared by Langan Engineering and Environmental Services, last revised March 27, 2015;
6. Supplemental Site Plan Drawings (4 sheets) entitled, "Rivergate, Borough of Hawthorne, Passaic, New Jersey", prepared by Langan Engineering and Environmental Services, dated July 3, 2014, submission date July 23, 2014;
7. Architectural Plans (13 sheets) entitled, "Rivergate of Hawthorne", prepared by Perry M. Petrillo Architects, P.C. last revised April 1, 2015;

8. ALTA Survey (1 sheet) entitled, "ALTA/ACSM Land Title Survey, 204 Wagaraw Road, Lot 8, Block 12, Borough of Hawthorne, County of Passaic, N.J.", prepared by Bertin Engineering, dated September 30, 2011, revised April 9, 2013; and

9. Boundary Survey (1 sheet) entitled, "Boundary Survey, 272 Wagaraw Road, Lot 10, Block 13.01, Borough of Hawthorne, County of Passaic, N.J.", prepared by Bertin Engineering, dated December 17, 2012; and

WHEREAS, the Board reviewed the following from its agencies and departments:

1. The Boswell McClave reports dated May 15, 2015 and May 13, 2015 (stormwater); April 17, 2015; April 17, 2015 (traffic); March 16, 2015 (traffic); January 20, 2015 (stormwater); January 14, 2015, December 11, 2014 and August 25, 2014;

2. The Burgis Associates' reports dated June 8, 2015, April 15, 2015 and December 4, 2014;

3. Hawthorne Police Memo ; and

4. Hawthorne Fire Dept. Memo;

WHEREAS, the Board is satisfied that adequate notice, in accordance with the New Jersey Municipal Land Use Law and the Open Public Meetings Act has been provided and the Board has jurisdiction to rule on this application; and

WHEREAS, Applicant submitted its site plan which provides a zoning legend. The zoning legend provides relevant criteria for both the I-1 and R-3 Zones (the R-3 Zone is a multi-family zone). The R-3 information has been provided "For Comparison Purposes Only." Furthermore, Applicant submits and the Board concurs that since this is a request for use variance, the overall site design should be considered and any bulk variances should be subsumed into the use variance. (See Puleio v. N. Brunswick Tp. Bd. of Adjustment, 375 N.J.

Super. 613 (App. Div. 2005). The following is a list of the pertinent deviations set forth in Applicant's proposal:

1. Use variance ("D-1 Variance"): Multi-family residential uses (or any residential for that matter) are not a permitted use.

2. Maximum Building Height: ("D-6 Variance") Section 540-7 and the Schedule of Bulk and Coverage Controls require a maximum building height of 3 stories or 35 feet in the I-1 Zone. It should be noted that the R-3 Zone limits the maximum building height to 2.5 stories or 35 feet. Since three of the proposed buildings will exceed the permitted heights in either the I-1 or R-3 Zone, they are treated as "D-6" Variances. The Applicant proposes the following:

Lot 8

Building 1 4 stories / 35.5'

Building 2 4 stories / 46.75'

Building 3 4 stories / 46.5'

Building 4 4 stories / 48.5'

Building 5 2 stories / 26' (compliant)
(formerly, Building 6)

3. Minimum Front Yard Setback: Section 540-7 and the Schedule of Bulk and Coverage Controls require a minimum front yard setback of 25 feet to be provided for the I-1 Zone. It should be noted that the R-3 Zone requires a minimum front yard setback of 50 feet. Applicant proposes a front yard setback of 25 feet to Building 1 on Lot 8. The Applicant also proposes a front yard setback of 3 feet for the Building on Lot 10.

4. Minimum Side Yard Setback: Section 540-7 and the Schedule of Bulk and Coverage Controls require a minimum side yard setback of 20 feet in both the I-1 and R-3 Zones. Applicant proposes a side yard setback of .2 feet on Lot 10.

5. Minimum Rear Yard Setback: Section 540-7 and the Schedule of Bulk and Coverage Controls require a rear yard setback of 25 feet to be provided for the I-1 Zone. It should be noted that the R-3 Zone requires a minimum rear yard setback of 50 feet. Applicant proposes a rear yard setback of 2.5 feet on Lot 10.

6. Maximum Impervious Coverage: Section 540-7 and the Schedule of Bulk and Coverage Controls require a maximum impervious coverage of 50% in both the I-1 and R-3 Zones. Applicant proposes coverage of 59% on Lot 8 and 67% on Lot 10.

7. Aisle Width: A minimum aisle width of 25 feet is requested. Applicant proposes parking spaces with aisle widths of 24 feet for Lot 8 and 22 feet for Lot 10.

8. As submitted, the application proposes a density of 24 units per acre (rounded up from 23.91). The maximum permitted density in the R-3 Zone is 24 units per acre. Note: Only one zone, the R-9 Zone, permits a density up to 28 units per acre. The permitted density of all other multi-family zones ranges from 10-24 units per acre. Since residential use is prohibited in the I-1 District, there is no density standard.

9. The minimum required floor area for apartments in the R-3 Zone is 800 sq. ft. Applicant proposes approximately 86 units with an area of 744 square feet; and

WHEREAS, after reviewing all of the evidence presented, the Board, at its November 23, 2015 meeting, by a voice vote of 6 – 1 voted to deny the application; and

WHEREAS, the Board has instructed the Board attorney to prepare a memorializing resolution, as required, to set forth the Board's findings and conclusions in support of its decision.

NOW THEREFORE, after due consideration the Zoning Board of Adjustment of the Borough of Hawthorne makes the following findings of fact, based upon the evidence presented:

I. **THE PROPERTY**

The Property consists of two separate development parcels both located on the South side of Wagaraw Road. The Property is generally flat and triangular. The larger parcel, Lot 8, is approximately 8.7 acres. It is separated from Lot 10 which is approximately .46 acres in size. Lot 10 is located approximately 45 feet from Lot 8 along Wagaraw Road. It is currently operated as a used car sales lot. Lot 8 is vacant. The two parcels are separated by the NJ Transit Rail Line and maintenance yard (hereinafter the "Rail Property"). Both parcels are entirely within the I-1 Zoning District and both front on Wagaraw Road. Each lot would have its own independent ingress or egress, parking field and site amenities. Portions of Lot 8 are impacted by wetland areas, flood hazard and riparian zone limits, which are all indicated on Applicant's plans. Altogether, there is approximately 838 feet of combined frontage along Wagaraw Road.

II. **SURROUNDING LAND USE**

As set forth above, the Property is located entirely within the Borough's I-1 Zoning District. In fact, as demonstrated on page G1001 of the site plan (see Zoning Map), all properties on the south side of Wagaraw Road extending east and west for several hundred feet are within the I-1 Zone. A substantial area on the North side of Wagaraw is also zoned I-1. Other zones on the North side of Wagaraw are the O-1, B-1, R-2 and R-3 Zones. It is noted that the R-3 Zone , as shown on Applicant's plans, is located approximately 600 feet, a full block away, north of Wagaraw Road.

The actual uses of the Properties in the near vicinity of the Premises are as follows:

A. Adjacent to the West is a Kohler beverage plant with an approximate 250,000 s.f. warehouse and truck maintenance building and approximately 75 diesel powered trucks

operating on a steady, daily basis. Kohler employs more than 200 workers. It has solar panels installed on the roof of its building.

B. A municipal recreation area located across from Kohlers on the North side of Wagaraw Road;

C. Abutting the Property's South/Southeast border is the Rail Property;

D. Further South/Southeast is a municipal public works plant which at times produces noticeable and unpleasant odors in the vicinity;

E. A gun shooting range (within hearing distance of the Property); and

F. Across the street on Wagaraw is a pub, a gas station, auto repair facility and residential uses. In all, there are fewer than ten homes on the North side of Wagaraw Road which face the subject Property.

G. Further south is the Passaic River, which abuts an industrial area in Paterson on the river's far bank.

III. **THE I-1 ZONE (B-3 OVERLAY ZONE)**

The Property is located in the Borough's I-1 District. Also, the Borough recently adopted Ordinance 2112-14 which created a B-3 Overlay District for the Property. The following is a list of all permitted uses in both the I-1 and B-3 Overlay District:

A. **I-1 Industrial Zones:**

Establishments which are engaged in research and development, manufacturing, processing, fabricating, indoor warehousing and storage, provided that no land or building shall be used or occupied for a use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold dampness; movement of air; electrical or

other disturbance; glare; liquid or solid wastes, any of which shall violate the performance standards hereinafter set forth in §540-126. Uses permitted in the B-2, O-1 and O-2 Zone Districts shall be permitted in I-1 Industrial Zones; provided, however, that no residential use, even as allowed by B-2 Zone District regulations, will be permitted. (Emphasis supplied). Outdoor storage of materials shall not be permitted as a principal or primary use and shall only be permitted as incidental to a permitted principal or primary use. Outdoor storage of materials may not take place, even where incidental to a primary use, as a matter of right, and shall be strictly subject to review, approval, and such conditions as may be imposed by the reviewing board hearing any application seeking approval of the same.

B. **B-3 Business Zone:**

(1) Retail, including such uses as antique shops, appliance store, apparel store, bakery shops, barber shops, beauty salon, book and stationery store, butcher, candy and confectionary store, computer and electronics store, delicatessen, drug store (pharmacy), dry cleaning and tailoring, florist shop, food and grocery, furniture store, hardware store, hobby and craft store, liquor store, painting and wallpaper store, as well as other uses similar to those listed above.

(2) New car dealerships and related services as well as used car sales but only in conjunction with a new car dealership.

(3) Health club.

(4) Personal service.

(5) Restaurant, excluding drive-through.

(6) Office, including medical.

(7) Banks and financial institutions.

- (8) Garden centers and nurseries.
- (9) Printing and reprographics.
- (10) Assembly with associated storage.
- (11) Automobile repair, service and parts.
- (12) Contractors supply including plumbing, electrical, carpentry and related trade supply.
- (13) Contractor offices including related accessory storage; provided, however, that all such storage is indoor storage.

Noticeably absent from this long list of permitted uses is allowing any form of residential use in the I-1 or B-3 Zones. In fact, it is pointedly prohibited in the I-1 District.

IV. WITNESSES

1. Applicant's representative, Gerald Bedrin testified. He stated that:
 - (a) His company is the owner of Lot 8 (purchased in 2008) and Contract Purchaser of Lot 10.
 - (b) The Property was previously used for industrial purposes. The Property was subject to an NJDEP Cleanup. A No Further Action letter (unrestricted) was issued by NJDEP in 2007.
 - (c) Bedrin and his colleagues have attempted to find commercial tenants/users for the Property but have been unsuccessful, since retailers have become selective and do not find the Wagaraw Corridor appropriate for retail.
 - (d) In 2012, a 40,000 square foot Walmart was approved by this Board for the Property. An objector litigated the approval and Walmart chose not to pursue the Property for its use.

(e) He has made a significant monetary investment and has not yielded any return since the Property was purchased.

(f) The project would be luxurious and priced similarly to attract the affluent tenant to make a positive impact on Hawthorne.

(g) There is a demand for high end apartments.

(h) Due to the Property's proximity to the commuter rail station, it is a Transit Oriented Development which will attract young professionals.

(i) The project's effect will benefit Hawthorne businesses.

2. Applicant's Architect, Perry Petrillo was sworn and qualified as an expert in the field of architecture. He testified that:

(a) He prepared the architectural plans submitted to the Board.

(b) The Property is located on the South Side of Wagaraw Road.

(c) There is a combination of two sites, which are oddly shaped and have wetlands constraints.

(d) The proposed Architecture will strengthen the local streetscape, providing four street trees, decorative fencing, street lights and banners, and tower elements to break up building façade massing.

(e) He admitted there are industrial, railroad and recycling uses nearby.

(f) After a plan amendment, the number of buildings proposed is five (reduced from six).

(g) The buildings range from 3 ½ stories to 4 stories and from 26 feet to 48.5 feet.

(h) The buildings are fully sprinklered.

(i) The proposed parking field is designed to be internal, largely blocked from public view by the proposed buildings.

(j) Applicant, if approved, intends to incorporate “green” initiatives, inclusive of high efficiency mechanicals, use of recycled materials, and use of triple glazed windows.

(k) The witness described the interior layout of the units in great detail. There are stairwells at the end of each building and a main access (with cores, lobbies and elevators) near the midpoint of each building.

(l) Tandem parking is proposed only for those units so assigned.

(m) Building 4 contains residential units plus an outdoor community pool, deck and other community elements.

(n) Of the 219 units, 33 will be dedicated as affordable units.

3. Gerard Fitamant was sworn and accepted as an expert in the field of civil engineering. He testified that:

(a) He and members of his firm prepared the site plan and related materials.

(b) The Property has certain environmental constraints, including wetlands and flood plain constraints. This requires, among other items, that the first floor elevation of residential units be above the flood plain.

(c) While the Property has received a No Further Action (“NFA”) letter from the NJDEP for soils, attenuation of groundwater is an ongoing process.

(d) The plan as originally submitted proposed six buildings. The scope of the plan has been reduced, eliminating “Building #5” and replacing it with a gazebo.

(e) One driveway is proposed on Lot 10, with head on parking stalls.

(f) Lot 8 will have a main entrance and one gated entrance, which will usually remain closed.

(g) Building 5 (previously #6) is to be located on Lot 10. It has a 3,500 sq. ft. footprint and has a height of 26 feet / two stories, seventeen parking spaces are proposed. The proposed front yard setback is 3 feet. The proposed rear yard setback is 2.5 feet. The proposed side yard setback is .2 feet.

(h) The other four buildings are to be located on Lot 8.

(i) Building 1 is dedicated mostly to residential use, but also includes 6,000 sq. ft. of retail. It fronts Wagaraw Road and has a 25 foot front yard setback.

(j) Building 2 is dedicated exclusively to residential use. It runs along the West side of the Property. It has a 22 foot side yard setback to its boundary with the neighboring Kohler Distributors Property. The Applicant proposes to install a 14 foot “sound barrier” in this area intended to attenuate noise created by Kohler’s diesel trucks. [The Board notes that no acoustics evidence has been offered by the Applicant].

(k) Building 3 is dedicated mostly to residential use, but also includes 4,000 sq. ft. of office space.

(l) Building 4 contains both residential units and common, clubhouse type amenities. A community swimming pool is proposed at the rear of Building 4.

(m) Buildings 1, 2, and 3 contain parking spaces located under a portion of each building. In addition, surface parking and a parking structure are located within the interior of Lot 8.

(n) Building 1 has 4 stories and is 35.5 feet tall. Building 2 has 4 stories and is 46.75 feet tall. Building 3 has 4 stories and is 46.5 feet tall. Building 4 has 4 stories and is 48.5 feet tall.

4. Applicant's traffic expert, Dan Disario was sworn and accepted as an expert in the field of traffic engineering. He testified, among other things, that there will be an estimated 157 motor vehicle trips in and out of the Property during the morning peak hour and 248 trips during the afternoon peak hour. Saturday peak traffic would be 268 trips.

(a) Trip distributions are approximately 40 percent to and from East along Wagaraw, 40 percent West along Wagaraw and 20 percent to and from Lafayette.

(b) Based on the intended volumes and distributions, traffic at the various studied intersections (when including all proposed mitigation measures proposed) will operate at acceptable levels of service.

(c) He also discussed the function of the site, inclusive of the parking structure and opined there is safe and adequate maneuverability and parking capacity.

5. John McDonough was sworn and accepted as an expert in the field of professional planning. McDonough also prepared a planning report dated May 8, 2015 which was entered into evidence as A-76. Among other items cited in his review, McDonough stated he has also reviewed Hawthorne's 2011 Master Plan and 2013 Visioning Study. He described the location of the Property as the South end of Hawthorne, near the Paterson border, midway between Paterson and Prospect Park. He described the shape of the Property as an "unusual triangular shape".

(a) He described the Wagaraw corridor as comprised mostly of non-residential uses, except for the homes immediately across the street on Wagaraw.

(b) He acknowledged that the Hawthorne Visioning Study was extensive and prepared in an effort to improve the overall image of the Wagaraw Corridor.

(c) He described the surrounding land use pattern consisting of: “small lot residential”, “small size commercial uses”, the Kohler Distribution facility, municipal public works, light industrial uses, a recreation amenity and a gun range.

(d) There are a number of public amenities within a mile of the Property.

(e) The Property is now vacant and has remained fallow for 30 years.

(f) He described the existing used car dealership on Lot 10 as in strict contradiction to the “vision for an attractive gateway.”

(g) He described the proposal as a “. . .brand new mixed use, classic TOD type of development. The proposal highlights the aesthetics along Wagaraw Road, hiding activity areas and parking areas to the interior of the Property.

(h) Other amenities include retail, recreation and access to the “Riverwalk” along the Passaic River.

(i) The sizes of the units are 1,151 sq. ft. (two bedroom apartments) and 704 sq. ft. (one bedroom apartments). [The Board notes that the minimum Floor Area Requirement for a one bedroom unit in the R-3 Zone is 800 square feet].

(j) He asserted that Applicant met its burden of proof to establish the positive criteria. In support of that proposition he pointed to a number of the zoning purposes set forth in the Municipal Land Use Law (“MLUL”) as follows:

(i) Purpose A - Promoting the general welfare (and also meets the particular suitability test by virtue of conditions of the Property, including the “somewhat challenging shape” of the Property).

(ii) Purpose D - “. . .the planning goal of development that supports the State policy” the proximity of the Property to Hawthorne’s commuter rail station and also resulting from its proposed affordable housing component.

(iii) Purpose G - The plan provides a variety of uses in an appropriate location.

(iv) Purpose H - The plan promotes the free flow of traffic and discourages congestion.

(v) Purpose I – The plan promotes a desirable visual environment.

(vi) Purpose M – Efficient land use.

(vii) Purpose E – Provide appropriate population densities.

(viii) Purpose J – The proposal prevents sprawl and environmental degradation.

(ix) Purpose C – The plan provides for adequate light, air and open space.

(x) Purpose K – This is a planned development.

(xi) Purpose O – The proposal includes a recycling component.

(m) He also stated that, due to the inclusion of affordable units, there is an element of inherently beneficial use.

(n) He asserted that Applicant met the negative criteria by demonstrating the following:

(i) “There is nothing about this application that will put people in harm’s way.”

(ii) There are no substantial traffic degradations resulting from this project.

(iii) Flood control will be better than it exists at present.

(iv) There are no significant health impacts created.

(v) There are no substantial detriments associated with public welfare impacts such as the generation of noise, glare, heat or odors.

(vi) The project will enhance the quality of the neighborhood with a new, attractive, upscale development.

(vii) The project will not overburden borough public services.

(viii) Fiscal Impact. This project, when compared to permitted uses would provide a significantly greater tax ratable.

(ix) The application does not substantially impair the intent and purpose of the zone plan and ordinance because:

1. Several Master Plans encouraged apartment use and the need to satisfy affordable housing obligations.

2. The 2011 Master Plan encourages stability in the community, a balance of land uses, compatibility of surrounding land uses; adaptive reuse of industrial sites, and the promotion of mass transit.

3. Also, “the product is consistent with the Vision Plan since it will add vibrancy and aesthetics to the Wagaraw Road corridor.”

4. The new resident population will provide a consumer base to support local business.

5. He asserts the Board would not be overstepping its jurisdictional boundaries and an approval will not be tantamount to a rezoning.

(o) He asserts the shape of the Property is also a factor to be considered.

(p) As to the request for height variance relief, he stated:

(i) The four story buildings are all shielded from view along Wagaraw Road. The building (Building 1) fronting Wagaraw Road is only ½ foot over the permitted height, therefore the site is able to accommodate the deviant heights.

(q) As to the coverage variance (50% allowed and 59.5% and 67% proposed respectively on each Lot), McDonough stated it was justified under “C-2” variance grounds.

(r) As to the setback variance on Lot 10, he argues that C-1 hardship grounds exist due to the odd shape of the Property and on C-2 grounds that this represents a better alternative since it will be all comprised of COAH units.

(s) On cross-examination, McDonough agreed that:

(i) Applicant’s Exhibit A-78 is not accurate since it fails to show the Kohler Distributor’s 50,000 sq. ft. building addition which is closer to the Property than reflected on Exhibit A-78.

(ii) There are about 10 homes fronting Wagaraw Road opposite the Property.

(iii) McDonough conceded there are no grocery stores within walking distance.

(iv) The Property is specifically discussed in the 2013 Visioning Study, but there is no recommendation to include residential use.

(v) The Visioning Study recommends two and three story development with a mix of commercial storefronts and “. . .a potential supermarket with brick face treatment.”

(vi) The 2011 Master Plan raised concerns about incompatible land use arrangements of industrial and residential uses in close proximity to each other.

(vii) The Master Plan “must draw a line somewhere”, meaning zone lines must be established or reconfirmed as is the case here.

(viii) The 2011 Reexamination of the Master Plan recognizes that Hawthorne, since the late 60’s, has experienced the development of a variety of housing types, thus the Borough does not need to actively encourage increased density.

(ix) McDonough was asked” “. . .is it not fair to say that if the Governing Body wanted to rezone portions of Wagaraw Road for residential use they have had every opportunity to do so?”

The Board finds McDonough’s response (“I don’t think the potential for residential use on this property was ever foreclosed. The use variance mechanism was always there.”) to be entirely disingenuous, since the variance mechanism is a readily available alternative to many.

(x) The project does not qualify as a “Transit Village”.

6) Scott Graham was sworn. He is a co-owner of Kohler Distributors and testified that:

(a) Kohler has been in business since 1947.

(b) Kohler previously used and occupied a different site on Fifth Avenue in Hawthorne. He described that property as “. . . industrial on our side and residential across the street.”

(c) The Grahams relocated to Englewood in the early 1980’s for two reasons: they had “outgrown the building” and several residential neighbors began complaining about the noise and traffic created by the Kohler activities.

(d) The Englewood location was chosen expressly because Kohler would be isolated from residential uses.

(e) The Grahams purchased the Hawthorne property in the early 2000’s at a cost of approximately \$6 Million.

(f) Construction costs to build the Kohler facility exceeded \$10 Million.

(g) The Grahams chose the current Hawthorne location because it is already zoned for its use and: “. . . our customer base is Bergen, Passaic, Sussex, part of Morris County. The working pool in the area is good, there is a lot of available employees and its central location to the highways, Route 80, Route 20, Route 208 to go up to Sussex County.”

(h) Approximately two years ago, Kohler built an addition to its facility. The original section is 192,000 sq. ft. The addition is 49,000 sq. ft. which together add up to almost one quarter million square feet. (The cost of the addition was approximately \$2.2 Million).

(i) As to day to day activities, Mr. Graham stated:

(i) There are approximately 20-30 daily tractor trailer arrivals, bringing beverages from different breweries (100 – 150 truck deliveries per week), starting as early as 5:30 a.m. until approximately 2:00 p.m. There is substantial truck activity near Applicant’s property.

(ii) In addition to receiving tractor trailers on a daily basis, Kohler has its own fleet of approximately 75 diesel delivery trucks. Most trucks have exhaust “stacks”. The diesel trucks are louder than gasoline powered trucks. Diesel fumes are more pronounced.

(iii) The Kohler drivers, Monday through Friday, start their daily routine at about 6:30 a.m. each day. Part of this routine includes a noisy “pre-trip” inspection.

(iv) Often, a driver will be able to return to Kohler to fill up and unload a second round of orders.

(v) Typically, all trucks have returned by 5:00 or 6:00 p.m., but during peak demand could go as late as 10:00 p.m.

(j) Kohler has 213 employees.

(k) Mr. Graham stated his company’s objection is largely based on his concern that “. . .residential and our business don’t mix well. He is concerned that complaining residential neighbors in such close proximity could force Kohler “. . . to make changes to my building now [that] you have 200 residential people down there complaining and I am just trying to do what’s allowed in an industrial zone.”

(l) Graham especially anticipates complaints from those residents living on the 3rd and 4th floors on Building 9. Those residents are in the closest proximity to Kohler, and would be living in units above the so-called sound wall proposed by Applicant. He further stated: “I wouldn’t want to live next door to this facility. I can’t imagine almost half my roof is solar panels, I don’t know what that looks like as the sun starts to set and sun reflects over, that’s got to be a glare that’s unbelievable.”

(m) The new section of the building is used for storage and light vehicle maintenance.

7) Michael F. Kauker was sworn and accepted as an expert in the field of professional planning. In preparation for his testimony he reviewed a number of documents and visited the Property and neighborhood three or four times. He was present for Mr. McDonough's presentation to the Board.

(a) Referring to Exhibit O-1, Kauker described the Kohler property and operation, which includes solar panels on the roof, parked vehicles and trucks, and a truck parking field able to accommodate 88 vehicles. In all, the Kohler site is 15 acres in size.

(b) The Kohler Property, along with properties to the West and East are all within the I-1 District.

(c) The Passaic River is located to the rear of the Kohler's Property. There is heavy industrial activity located in Paterson immediately across from the Kohler site.

(d) Other uses nearby are the railroad right of way (with apparent rail maintenance vehicles parked there), a Borough owned leaf mulching site, a gun shooting range, and the Hawthorne public swimming pool. Across the street on Wagaraw are seven single family homes. The perimeter is also bordered by two gas stations and a bar/restaurant.

(e) The major variances in this matter are:

(i) a D1 Use Variance; and

(ii) The height variances for a maximum height of 48.5 feet where 35 feet (and 2 ½ stories) is allowed.

(f) In Kauker's view:

(i) The inclusion of affordable housing does not rise to the level of an inherently beneficial use.

(ii) There is no hardship associated with the Property as it is “. . .flat, clean environmentally, vacant and highly developable and ready and waiting to be utilized for the zone purpose.”

(iii) The Property is inherently able to accommodate and attract development similar to the adjacent Kohler development.

(iv) The Property is not particularly well suited to accommodate the proposed residential use. The adjacent uses are highly consistent with their I-1 use designations; “. . .the proposed 219 units and the I-1 Zone as conceived and regulated . . . are at the complete opposite ends of the use spectrum.” “You could not have two more incomparable uses juxtaposed to one another. . . .”

(v) The Property’s proximity to the commuter rail line is not sufficient for a “Transit Oriented Development” designation because there are only accommodations to park 12 vehicles at the train station and there is otherwise inadequate parking inventory in the area.

(vi) Kauker rejected McDonough’s proposition that there are ample shopping opportunities for the intended residents of the project. There are few convenience activities that would go on a day-to-day basis. Also, shopping opportunities for commuters are in the opposite direction of the train station. [The Board also finds that the token amount of proposed retail space is not sufficient to provide any meaningful retail support a community of over 200 residential units].

(vii) The site is particularly ill-suited to accommodate the proposed use.

(g) As to the negative criteria:

(i) While the 1968 Master Plan stressed a need for multifamily housing, the 2011 reexamination concluded that the need for such housing “. . .no longer remains an ongoing objective of the Borough.”

(ii) Part of the reason is that 38 percent of the Borough is comprised of multifamily housing stock.

(iii) The principal goal of the re-examination is to reinforce the Borough’s established commercial and industrial areas. This application would violate this goal. The Property is specifically referred to in the Visioning Study. There is no mention of residential use as a suggested option.

(iv) The Visioning Study favors two to three story development with a mix of commercial storefronts and potential supermarket with a brick face treatment.

(v) Regarding the B-3 Overlay Zone and the omission of residential uses from the Overlay Zone, Kauker cites the Board Planner, Burgis Associates’ June 8, 2015 report to the Board. The Burgis letter provides that, at the time the Overlay Zone was created, there was discussion about the propriety of permitting multifamily uses in the I-1 Zone but such idea was rejected.

(vi) The legislative arm of the Borough specifically considered and rejected multifamily residential use of this Property as recently as 2014.

(vii) This proposal would undermine the integrity of the current zoning and Master Plan and would have a decidedly negative effect on the integrity of them.

(viii) There is a decided negative impact upon the Kohler property if this project is improved as a four story residential structure, will be 22 feet from the boundary line with Kohler, replete with enormous truck activity, fueling and truck maintenance very close.

(ix) Construction of 219 units on the subject site would place a substantial portion of the subject residences immediately adjacent to noise, fumes and air pollution.

(x) The first and second floors of Building 1 are “. . . probably more impacted in terms of light, air (sic) and open space than the units above.”

8) The Board’s Planner, Joseph H. Burgis was sworn and qualified as an expert in the field of Planning. Among other things, he testified that there is approximately 97 percent of floor area devoted to residential use, one percent retail use and two percent office use and therefore falls short of the Urban Land Institute (“ULI”) definition of “mixed use” which requires three or more significant revenue producing uses. He views Applicant’s proposal as the opposite of the intent of a Transit Oriented Development because: ‘We have a situation where the municipality established a policy that seeks to establish a destination point for people who are getting off the train and walk to work, which is the converse of what’s being suggested here.’”

9) Several members of the public participated in questioning witnesses during the course of the hearings. On October 26, 2015, the members of the public were afforded an opportunity to speak. Several came forward.

FINDINGS AND CONCLUSIONS

OVERVIEW

The first question presented to the Board is whether it has the authority to grant the requested relief. As a preliminary matter, the Board notes the case of Tp. of North Brunswick v Zoning Board of Adjustment of the Tp. Of North Brunswick 378 N.J. Super. 485 (App. Div. 2005) which held that a zoning board usurped the municipal zoning authority for granting a zoning variance for a proposed apartment building that exceeded the limitations in the residential

zone; the property had recently been rezoned by the township for the express purpose of avoiding excessive density in the residential neighborhood, and thus, the Board's action blatantly rejected the township's zoning plan and improperly arrogated to itself the power to substitute its idea of an appropriate zone plan. "Obviously, when the variance pertains to a substantial portion of or an entire zone district, a board's variance begins to closely resemble zoning which is the exclusive province of the municipality." *Id.* at 493. The key question is ". . . whether the requested variance will 'substantially alter the character of the district as that character has been prescribed by the zoning ordinance.'" *Id.* As will be elaborated herein, we conclude that, if approved, this project will substantially alter the character of the Wagaraw Road I-1 corridor.

As will be discussed below, the record is very clear that the Borough's legislators and planners have expressly refused to permit any form of residential use in the I-1 Zone generally or this Property specifically. The I-1 Zone list of permitted uses not only excludes residential use but specifically prohibits residential use. Neither the recent B-3 Overlay Zone nor the Visioning Study approves of residential use for this Property.

Furthermore, the size of the Property, in excess of 9 acres with several hundred feet of frontage on Wagaraw Road and described by the Applicant as a "gateway" to Hawthorne, makes it clear that the Property is prominent and highly visible. As such, the Property represents a significant and substantial portion of the I-1 zone district. We conclude that if this application was approved, it would in fact result in substantially altering the character of the I-1 District in this vicinity.

Secondly, we are guided by the Puleio case which holds that, in the context of a use variance application, certain bulk or "C" variances are subsumed within the use variance request. In that context, the Applicant has requested use variance relief to allow 219 prohibited residential

units (totaling 286,932 sq. ft.), in five separate buildings, along with a small amount of retail and office use in the I-1 District (with B-3 Overlay). The following relief would be subsumed into this D-1 use variance: a density of 24 units per acre. Of those units, the 86 one bedroom units are undersized (the B-3 Zone requires a minimum of 800 sq. ft., where 744 sq. ft. is proposed). The front yard setbacks on lot 8 and 10 are proposed at 25 feet and 3 feet respectively. The required front yard setback in the I-1 Zone is 25 feet and the required front yard setback in the R-3 Zone is 50 feet. Lot 10 proposes side and rear yard setbacks of .2 feet and 2.5 feet respectively which fail to meet either the I-1 or R-3 requirements. Applicant proposes an impervious coverage on Lot 8 at 59% and on Lot 10 at 67%. Maximum impervious coverage in both the I-1 and R-3 Districts is 50%. The proposed parking aisle widths range from 22 ft. to 24 ft., where 25 feet is required in the I-1 Zone, and 24 feet is required in the R-3 Zone and in RSIS.

In addition, Applicant seeks “D” variance approval to permit building heights of: 4 stories and up to 48.5 feet where the maximum height in both the I-1 and R-3 Zones is limited to 3 stories and 35 feet.

In order to justify the grant of a “D1” Use Variance, the Applicant must demonstrate that the proposal meets both the “positive” and two prong “negative” criteria. The law is clear that, in order to satisfy the positive criteria, the Applicant must demonstrate “special reasons” for the grant and must also demonstrate that the site is “peculiarly fitted” or “particularly suitable” for the proposed use.

In this matter, the Applicant, through its planner, argues that the project promotes the general welfare, carries out several purposes of zoning as defined in N.J.S.A. 40:55D-2, that the site can accommodate the several deviations described herein, and that the Property is particularly well suited for this proposal. While Applicant alludes to the Property’s shape as

grounds for hardship relief, it has not demonstrated how the shape or other physical impacts have resulted in practical difficulties. Furthermore, inability to put the Property to its most profitable use will not qualify as a hardship. Also, arguments that the proposed use is more profitable than using the Property for permitted uses, will be a tax advantage or will enhance property values of surrounding properties will not, per se, support the grant of a use variance. (See Odabash v. Mayor & Council of Dumont, 65 N.J. 115 (1974). As will be discussed below, we find the Applicant has failed to prove hardship. Lastly, the Court in Kohler v Mayor and Council of Fair Lawn, 50 N.J. 268 (1967) made it clear that there “must be a finding that the general welfare is served because the use is peculiarly fitted to the particular location for which the variance is sought. This is so because nearly all lawful uses of property promote, in greater or lesser degree, the general welfare.” (See also Cox, 2015 Edition New Jersey Zoning and Land Use Administration at page 685.)

In addition to the positive criteria the Applicant must also demonstrate the variance can be granted: (a) without substantial detriment to the public good, e.g., the variance’s effect on the surrounding properties and determine whether or not it will cause such damage to the character of the neighborhood as to constitute substantial detriment to the public good; and (b) will not substantially impair the intent and purpose of the zone plan and zoning ordinance. “The applicant’s proofs and the boards’ findings must reconcile the proposed use variance with the zoning ordinance’s omission. See Medici v. BPR Co. 107 N.J. (1987).

ANALYSIS

As set forth above, the Applicant describes the location of the Property as a “gateway” to Hawthorne. The Property has several hundred feet of frontage on Wagaraw Road and the Board concludes that the Property is highly visible both to those in the community and to the travelling

public. Virtually all of the South side of Wagaraw Road is zoned I-3 and no residential use exists on the South side. All of the surrounding uses with the exception of the approximately 10 homes on Wagaraw Road are non-residential. The nearest multi-family zone is approximately 600 feet north of Wagaraw, a full block away.

The tenants of this proposed apartment complex would be exposed to the sights, sounds and smells of an industrial neighborhood. Several proposed residential units will be setback 22 feet from the Kohler property. Those tenants will either have a view of a sound barrier wall (a serious lack of open space), or of the large fleet of diesel trucks simultaneously starting their vehicles in the early morning hours. The tenants would also be exposed to activities at the rail maintenance yard, an active train rail, views of a portion of Paterson's industrial properties across the Passaic River, gunshots heard from the firing range and noxious odors from the Municipal Public Works yard. Contrary to Applicant's position, we find that the Property is particularly ill-suited for the proposed residential use. Instead, we find that uses, such as Kohler's approximately 250,000 square foot facility are particularly suited. The Kohler operation runs on a regular basis, employs more than 200 people and has quick and easy access to a major highway network. The Kohler principals chose the location expressly because its use is permitted and also to avoid potential complaints from residential neighbors. But for the small number of homes across the street on Wagaraw, there is nothing in the record to indicate anything other than that the Property sits squarely in an area defined by industrial type uses.

Furthermore, we reject Applicant's Planner's testimony that this application meets several purposes of the MLUL.

This application does not promote the general welfare. As set forth above, the site is not particularly well suited. Particular suitability is a critical component in establishing the general

welfare. Applicant has failed to produce any probative evidence that the project, if approved, would promote the public health, safety, morals and general welfare.

Applicant has not demonstrated objective “D”, that the application does not “ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the County and State as a whole”. Mr. McDonough argues that this plan supports State policy due to the Property’s proximity to the commuter rail station and from its affordable housing component. We find that the Property’s attempted designation as a Transit Oriented Development is tenuous at best. It is located on the fringe of the quarter mile standard discussed by Applicant. Furthermore, we find there is little available parking near the train station and most shopping opportunities for intended residents of the project are to the West. We note that the train station is to the East, in the opposite direction. We also conclude that while there is an affordable housing component to the application, it is an accessory component, and does not justify the approval of a much larger application.

Applicant also fails to demonstrate objective G that the plan “. . . provides a variety of uses in appropriate locations”. We have already concluded that this is not an appropriate location for residential use. The mere 10,000 square feet of combined retail and office space is insignificant compared to the nearly 287,000 square feet of proposed residential.

Applicant fails to demonstrate that objective H is met; i.e., that the proposal provides for the free flow of traffic, promotes a desirable visual environment, provides adequate light, air and open space and includes a recycling component. First and foremost, Applicant does not demonstrate whether it could or could not achieve these goals for a conforming proposal. We submit several, if not all, of these objectives would be accomplished easily with a conforming use proposal. Furthermore, this project does not provide for adequate light, air and open space.

As stated above, those tenants bordering the Kohler Property, especially those on the first two floors, will be within 20 feet of a sound wall. Furthermore, the proposal well exceeds the permitted impervious coverages in either the I-1 or R-3 Districts. It also proposes a very high density and one bedroom units below the minimum required floor area. A significant two story parking structure is centrally located on Lot 8, which we conclude impinges on open air and light. The result is a heavily congested site, not one with ample open space.

No evidence supports the proposition that the approval of this application will result in satisfying objective E, i.e. providing appropriate population densities. As determined during the hearings (and we so find), 38% of the Borough consists of multifamily housing stock. We note that the Hawthorne Code provides for eight different multifamily uses in the Borough. Applicant has not advanced any information to conclude that Hawthorne's current population density is inappropriate.

Regarding objective J, no compelling evidence has been presented that the proposal prevents urban sprawl and environmental degradation.

Regarding objective K, Applicant argues that this proposal advances the purposes of the MLUL because it is a planned development. While a planned development may be a goal, Applicant fails to demonstrate, especially in view of the many multi-family zoning districts located in the Borough, whether there is a need for such development. Further, we stress that the token addition of small retail and office component is not sufficient to qualitatively brand this project a true planned development.

We disagree with McDonough's opinion that regarding objective M this application represents a more efficient use of land. To the contrary, we view this as an inefficient and over intense use of land; resulting in a need for a parking structure to meet its parking requirement, far

exceeding heights allowed in the I-1 or R-3 Zones, with excessive coverage and very high density.

In sum, as to the positive criteria, we find Applicant failed to demonstrate that the Property is particularly well suited. We find Applicant has failed to demonstrate that it meets the variety of MLUL purposes as Applicant asserts. We find that, if approved, this development would be essentially a residential island largely surrounded by uses which are not harmonious and we find it completely out of character with the zone.

We also find that Applicant failed to demonstrate it satisfied the negative criteria. To the contrary, we find this proposal will result in substantial detriment to the public good. We find that this project tangibly and negatively impacts the Kohler property, while, at the same time, underscores the enormous difference in character between permitted uses and this proposed use. They are at polar opposite ends of the spectrum. The Kohler parcel was purchased because of its ideal location as a permitted industrial site. A primary reason for acquiring the site was to have confidence there would be no conflicts with residential neighbors. There is no indication from any expert that the proposed sound barrier would be successful in achieving proper attenuation. Even if it would, we find it more likely than not that those residents fronting the Kohler property will be readily aware of the heavy activity occurring at Kohler on a regular basis and commencing at a very early hour. Although several members of the public appeared in support of this proposal (largely on the grounds that they preferred residential use over the permitted uses, and the proposal would result in a greater tax rateable), their support does not contradict or otherwise change our finding that the I-1 zoning along Wagaraw remains predominately industrial and commercial and entirely inconsistent with Applicant's proposal. If approved, this proposal would represent a radical change of character.

We parenthetically note and find that Applicant's justifications for height, setback and coverage deviations are unsupported by the evidence. Applicant, for all intents and purposes, has a "blank slate" of over 9 acres to design a project that could meet most or all of the Borough's bulk requirements. Instead, we find that application seeks to overburden the Property with enormous structures, high density and a parking deck to satisfy the parking demand for 219 units. It also squeezes in tandem parking to meet the parking demand. We find that the Property does not accommodate the problems associated with the excessive heights of the buildings. Applicant's rationale is that Building #1, at 35.5 feet will essentially block the other taller buildings. As set forth above, this proposal overtaxes the Property. The net effect of the tall buildings is to add density. We also note the tall buildings will negatively impact open air, space and light on site. We further find there are no hardships with the Property. It is essentially triangular, flat and buildable in accordance with I-1 (B-3) standards and otherwise unremarkable. There is more than sufficient developable land.

Lastly, we find that this application, if approved, would substantially impair the intent and purpose of the zone plan and zoning ordinance. There is recent legislation (B-3 Overlay), a Master Plan Re-examination and the Visioning Study all of which do not suggest or recommend that any form of residential use is appropriate here. As acknowledged by Applicant's planner, zone lines must be drawn. The line has been drawn – in the center of Wagaraw Road, and we find nothing in the record to suggest that this line should be eroded.

Thus, we conclude that the Applicant failed to reconcile its proposed use as large scale residential with the zoning ordinance's prohibition against it.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Hawthorne that the Application of 204 Wagaraw Road, LLC with respect to the Property, requesting preliminary and final site plan approval, D variance, C variance , be and is hereby **DENIED**.

For all of the foregoing reasons, the Application is denied.

The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on 1/25/, 2016.



John Gallagher, Acting Chairman



Joan Herve, Secretary

OFFERED BY: *Duffy*
SECONDED BY: *De Ritter*
VOTE: Ayes: *5*
Nays: *e*

Exhibit A

EXHIBIT	DESCRIPTION	DATE
A-1	Application and Notices	December 15, 2014
A-2	Transit Oriented Development	December 15, 2014
A-3	PowerPoint Id 70+ slides - CD	December 15, 2014
A-3a	Aerial – DEP/Google	December 15, 2014
A-3b	Existing Site Looking West	December 15, 2014
A-3c	Existing Lot 10 cars	December 15, 2014
A-3d	Existing Lot	December 15, 2014
A-3e	Existing Lot	December 15, 2014
A-4	Key View Plan Prepared by P. Petrillo	January 19, 2015
A-5	Building One Wagaraw Road	January 19, 2015
A-6	Building One – Coolidge Place	January 19, 2015
A-7	Building One – Retail View	January 19, 2015
A-8	Material Sample Board	January 19, 2015
A-9	First Floor / Site Plan 4/29/14	January 19, 2015
A-10	Typical Floor Plan – Site Plan	January 19, 2015
A-11a	Enlarged Apartment Floor Plan – 1 bedroom	January 19, 2015
A-11b	Enlarged Apartment Floor Plan – 1 bedroom&den	January 19, 2015
A-11c	Apartment Floor Plan – 2 bedroom	January 19, 2015
A-12a	Enlarged COAH – 1 bedroom	January 19, 2015
A-12b	Enlarged COAH – 2 bedroom	January 19, 2015
A-12c	Enlarged COAH – 3 bedroom	January 19, 2015
A-13	Project Location / USGS Map	January 19, 2015
A-14	Existing Survey Lot 8	January 19, 2015
A-15	Existing Survey Lot 10	January 19, 2015
A-16	Environmental Constraints Flood Hazard (FEMA Firm)	January 19, 2015
A-17	Environmental Constraints Wetlands	January 19, 2015
A-18	Environmental Constraints, Wetlands &Flood Hazard	January 19, 2015
A-18a	Wetlands & Flood Hazard Lot 10	February 09, 2015
A-19	Site Plan – 11/28/14	February 09, 2015
A-19a	Building Dimensions	February 09, 2015
A-19b	Rivergate Signage from Curbline	February 09, 2015
A-20	Vehicle Circulation	February 09, 2015
A-21	Pedestrian Circulation	February 09, 2015
A-22	Zoning Table – Lot 8	February 09, 2015
A-23	Zoning Table – Lot 10	February 09, 2015
A-24	Minimum From Setback – Lot 8	February 09, 2015
A-25	Minimum Side Yard – Lot 8	February 09, 2015

A-26	Minimum Parking Front/Rear Setback	February 09, 2015
A-27	Minimum Parking Side (Ent. To Building 4)	February 09, 2015
A-28	Minimum Front Setback – Lot 10	February 09, 2015
A-29	Minimum Side Yard Setback – Lot 10	February 09, 2015
A-30	Minimum Rear Yard – Lot 10	February 09, 2015
A-31	Minimum Side Parking Setback – Lot 10	February 09, 2015
A-32	Parking Plan – Overall	February 09, 2015
A-33	Site Plan – Parking – By Location and Type	February 09, 2015
A-34	Parking Summary	February 09, 2015
A-35	Parking Structure with Arrows	February 09, 2015
A-36	Parking Structure with 3D View Looking East	February 09, 2015
A-37	Parking Structure with 3D View Looking West	February 09, 2015
A-38	Parking Structure Elevations	February 09, 2015
A-39	Parking Structure South Elevations Details	February 09, 2015
A-40	Parking Structure North Elevations Details	February 09, 2015
A-41	Parking Structure East Elevations Details	February 09, 2015
A-42	Parking Structure West Elevations Details	February 09, 2015
A-43	Grading & Drainage	February 09, 2015
A-44	Utility Plan	February 09, 2015
A-45	Lighting Plan	February 09, 2015
A-45a	Lighting Contours	February 09, 2015
A-46	Planting Plan	February 09, 2015
A-46a	Planting Plan Details	February 09, 2015
A-46b	Streetscape Details	February 09, 2015
A-46c	Sound wall	February 09, 2015
A-47	Truck Circulation (Fire Truck)	February 09, 2015
A-48	Truck Circulation (Garbage)	February 09, 2015
A-49	Line of Sight – Lot 8	February 09, 2015
A-50	Line of Sight – Lot 10	February 09, 2015
A-51	Existing Monitoring Wells	February 09, 2015
A-52	Existing Monitoring Wells Overlay	February 09, 2015
A-53	Proposed Monitoring Wells	February 09, 2015
A-54	No Further Action Letter	February 09, 2015
A-55	Rivergate Property Boundaries	February 09, 2015
A-56	Passenger Car - Parking Deck Circulation	February 23, 2015
A-57	Fire Rescue Circulation Plan	February 23, 2015
A-58	Traffic Analysis Report	February 23, 2015
A-59	Parking Summary per Use	February 23, 2015
A-60	Parking Summary with ITE	February 23, 2015

A-61a	Updates for April 20, 2015 Meeting	April 20, 2015
A-61b	Grand Entrance - Pavilion	April 20, 2015
A-61c	Landscape Plan - Pavilion	April 20, 2015
A-62	Landscape Details - Replacement of Bldg 5	April 20, 2015
A-63	Positive Impacts of Eliminating Bldg 5 - Zoning	April 20, 2015
A-64	Parking Summary: Revised	April 20, 2015
A-65	Traffic Analysis - Updated as of April 06, 2015	April 20, 2015
A-66	Parking Count Observations/Demand	April 20, 2015
A-67	First Floor Plan	May 18, 2015
A-68	Typical Floor Plan	May 18, 2015
A-69	Building Sections	May 18, 2015
A-70	Planning Response Letter from Architect/Engineer	May 18, 2015
A-71	Grading and Drainage - Revised 05/06/15	May 18, 2015
A-72	Grading and Drainage Details - Revised 05/06/15	May 18, 2015
A-73	Stormwater Management Report dated 05/07/15	May 18, 2015
A-74	Operation & Maintenance Manual dated 05/07/15	May 18, 2015
A-75	Stormwater Management Responses - 05/07/15	May 18, 2015
A-76	Planning Report dated 05/08/2015	May 18, 2015
A-77	Aerial Photos	May 18, 2015
A-78	Aerial Photos	May 18, 2015
A-79	Site Photos	May 18, 2015
A-80	Site Photos	May 18, 2015
A-81	Zoning Map & Uses	May 18, 2015
A-82	Zoning Table: Revised	May 18, 2015
A-83	Stormwater Existing Analysis	June 15, 2015
A-84	Rain Garden Plan & Notes	June 15, 2015
A-85	Rain Garden Details	June 15, 2015
A-86	Updated Apartment Summary	June 15, 2015
A-87	Ratable Comparison Table	June 15, 2015
A-88	Vacant Commercial - 0.5 mile radius	July 20, 2015
A-89	Residential Developments Along Wagaraw	July 20, 2015
A-90	Site Plan (04/01/15)	July 20, 2015
A-91	Hawthorne Square - Central Ave.	July 20, 2015
A-91a	Hawthorne Square - Ground Shot Trucks	July 20, 2015
A-91b	Hawthorne Square - Ground Shot Building	July 20, 2015
A-91c	Hawthorne Square - Ground Shot Storage	July 20, 2015
A-92	Royal ave and Diamond Bridge	July 20, 2015
A-93	Rock Road and Goffle Road	July 20, 2015
A-94	Pan Chemical - Washington Street	July 20, 2015
A-95	Hawthorne Amenities	July 20, 2015
A-96	Wagaraw Road Vision Comparison	July 20, 2015
A-97	Residential Count	September 21, 2015