

The Regular Meeting of the Zoning Board of Adjustment of the Borough of Hawthorne was held on the above date at 7:05 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

Chair.....	Raymond Hallock
Vice Chair.....	John F. Gallagher
Board Member.....	David A. Schroter
Board Member.....	Victor Terraglia
Board Member	Kevin Duffy
Board Member.....	Jack B. De Ritter
Board Member (Alternate #1).....	Daniel Melfi
Board Member (Alternate #2).....	Nancy Agnello
Zoning Board Attorney.....	James Delia. Esq.
Zoning Board Secretary.....	Joan Hervé
<u>Absent:</u>	
Board Member.....	Scott Chamberlin

FLAG SALUTE

Chair, Hallock invited all present to join him in the Pledge of Allegiance.

“Adequate Notice of this meeting has been posted on the Municipal Bulletin Board, published in the legal newspaper of the Borough and a schedule, including date and time, provided to all persons entitled by law to same. “

REORGANIZATION

Meeting is turned over to Secretary to accept nominations for office:

Board Secretary asked for nominations for Chairman. Motion by Gallagher to nominated Mr. Hallock as Chairman, seconded by Melfi, on roll call all voted yes, with the exception of Hallock who abstained.

Board Secretary asked for nominations for Vice Chairman. Motion by Terraglia to nominated Mr. Gallagher as Vice Chairman, seconded by Agnello, on roll call all voted yes, with the exception of Gallagher who abstained.

Board Secretary asked for nominations for Board Attorney. Motion by Gallagher to nominated current Board Attorney, James Delia as Board Attorney, seconded by Melfi, on roll call all voted yes.

Chairman Hallock entertained a motion to appoint Joan Herve as Board Secretary; Moved by Terraglia seconded by Schroter, on roll call all voted yes.

BILLS:

Chair Hallock entertained a motion to approve the bill list and forward it to the Treasurer for payment, moved by Gallagher, seconded by a De Ritter. On roll call, all voted yes.

Hawthorne Press for Legal Notices: \$63.18

Hawthorne Press for Legal Notices: \$27.30

APPROVAL OF MINUTES

Chair Hallock entertained a motion to approve the regular/work session minutes of the Regular Meeting of December 15th, 2014 moved by Schroter, seconded by Melfi with amendments. On roll call, all voted yes, with exception of Terraglia who abstained.

Chairman Hallock stated he talked with Mr. Duffy & Mr. Melfi about setting up a committee to go over the checklist we have respect to every application. That would also include the input from the Building Department, the Council, our Planner as well as our Engineer & any Board Member who wishes to add to that input. We want to make sure we are getting everything and when we are supposed to get it. Since the Zoning Officer is out for two weeks, we will start sometime in February.

Chairman Hallock asked Board Secretary to email an updated copy of all Board Members information as well as our Attorney, Planner & Engineer information.

300 Lincoln Avenue, LLC, 300 Lincoln Avenue

Carried until February 23rd, 2015 meeting.

Chairman Hallock added we have another application in process which is PSE&G and asked the engineer how long he feels this application will take. Mike Kelly, Board Engineer responded he reviewed the site plan, it should not more than (2) meetings. Chairman Hallock stated then we might have to have a special meeting.

Hearings/Resolutions

Fredrick Kurt. 96 Parmalee Avenue, Lot 13, Block 143. Chairman Hallock entertained a motion to adopted Memorializing Resolution denying the application for bulk variances for a proposed construction of a one story detached garage , a 2 /12 story addition , a second floor over an existing one story sunroom with an existing non-conforming side yard, and construct a front porch with roof supported on columns. Moved by Gallagher, seconded by Terraglia, on roll call, all voted yes with the exception of De Ritter who abstained.

233 Central LLC, 233 Central Avenue, Block 174, Lot 14. Vice Chairman Gallagher entertained a motion to adopted Memorializing Resolution for approval of a Use Variance and additional related relief. Approval for the final site plans carried until February 23rd meeting for application for 142 residential units in the I-1 Industrial Zone requiring Use, density and bulk variances. Moved by De Ritter, seconded by Agnello, Attorney Delia explained the Board Members who voted no on this application cannot vote on the resolution. On roll call, all voted yes with the exception of Terraglia who abstained.

Old Business

Hearing

204 Wagaraw Road, LLC, - Rivergate of Hawthorne, (Block 12, Lot 8 and Block 13.01, Lot 0).

Applicant Attorney Gail Price who was previously sworn in stated tonight we plan to get through our architect & our engineer.

(Transcript attached)

1 ZONING BOARD OF ADJUSTMENT
2 BOROUGH OF HAWTHORNE
3 HAWTHORNE, NEW JERSEY
4 MONDAY, DECEMBER 15, 2014
5 7:00 P.M.

6 RE: 204 WAGARAW ROAD, LLC.

9 BOARD MEMBERS:

10 RAYMOND G. HALLOCK, Chairman
11 JOHN F. GALLAGHER, Vice Chairman
12 SCOTT CHAMBERLAIN
13 JACK DERITTER
14 KEVIN DUFFY
15 DAVID SCHROTER
16 DANIEL MELFI
17 NANCY AGNELLO
18
19 MICHAEL KELLY, Engineer
20 DONNA HOLMQVIST, Planner

21
22 PHILIP A. FISHMAN
23 COURT REPORTING AGENCY
24 89 HEADQUARTERS PLAZA NORTH
25 4 SPEEDWELL AVENUE, SUITE 1440
MORRISTOWN, NEW JERSEY 07960
(973) 285-5331 - FAX - (732) 605-9391

1 I N D E X

2 WITNESS DIRECT CROSS REDIRECT RECROSS

3 MR. BEDRIN 4
MS. PRICE

4

5 I N D E X O F E X H I B I T S

6 EXHIBIT	DESCRIPTION	PAGE
7 A-1	PROOF OF SERVICE AFFIDAVIT OF PUBLICATION ORIGINAL APPLICATION	5
9 A-2	TRANSIT ORIENTED SLIDE	9
10 A-3	POWER POINT	9

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1 A P P E A R A N C E S :

2 PRICE, MEESE, SHULMAN & D'ARMINIO, ESQS.
3 BY GAIL PRICE, ESQ. & KATHRYN RAZIN, ESQ.
4 Appearing on behalf of the Applicant

5
6
7 WELLS, JAWORSKI & LIEBMAN, ESQS.
BY JAMES J. DELIA, ESQ.
Appearing on behalf of the Board

1 MR. HALLOCK: 204 Wagaraw Road.

2 Counsel.

3 MS. PRICE: Good evening.

4 Gail Price from the firm of Price, Meese,
5 Shulman & D'Arminio, 50 Tice Boulevard,
6 Woodcliff Lake, New Jersey on behalf of the
7 applicant, 204 Wagaraw Road, LLC. Good evening.

8 Thank you for also agreeing to stay later
9 tonight, I know it's busy going into the
10 holidays.

11 I have a reporter with me this evening
12 because I figured, particularly with the way
13 that your meetings are scheduled, there has been
14 people missing meetings and they will have the
15 benefit of having transcripts so that you can
16 catch up with reading any meetings so that you
17 don't have to listen to the tapes. So I am
18 happy to supply the transcript to your board
19 secretary so that you have that.

20 We also are going to use a power point so
21 that everyone could see the presentation during
22 the hearing, the public as well as your
23 professionals and the board. We do have certain
24 exhibits that will be board mounted as well but
25 duplicates of what is in the power point and I

5

1 wasn't sure how far we were going to get tonight
2 so I am premarking certain exhibits and I will
3 supply your board counsel with a list of the
4 exhibits going forward and continuing on in our
5 hearing so we are in sync.

6 By way of background, I have provided
7 statutory notice as is required by the Municipal
8 Land Use Law. I provided the original Affidavit
9 of Publication this evening because I just
10 received it today from the newspaper and for
11 purposes of housekeeping if we could mark as
12 Exhibit A-1 the Proof of Service, the Affidavit
13 of Publication and a copy of the original
14 application, Mr. Delia.

15 MR. DELIA: I don't have the Proof
16 of Service on me. I will get it marked A-1.

17 MS. PRICE: I have a package for
18 you, so that could be A-1.

19 MR. DELIA: That would be great.
20 (Proof of Service, Affidavit of Publication
21 & Original Application is marked as Exhibit P-1
22 for identification)

23 MS. PRICE: By way of background,
24 this property is commonly known as 204 through
25 272 Wagaraw Road, and you will hear from Mr.

6

1 Bedrin this evening, 204 owns the larger parcel
2 of land that's involved with the application and
3 is the contract purchaser for the smaller
4 parcel. The property is bisected, if you will,
5 by property that is not either owned or under
6 contract by the applicant but is owned by the
7 railroad and during testimony you will hear
8 about attempts to acquire that and/or use it and
9 where we arrived with those attempts, but what
10 we have attempted to do, and believe me we sat
11 through your prior applications so we heard your
12 concerns and questions, so I am hoping that we
13 addressed some of those concerns by way of our
14 amended application and our filing that we made
15 in November where we tried to assure that the
16 residential component of the project was parking
17 compliant with the RSIS. This is a little bit
18 different than the 233 project because it's a
19 mixed use project. We are proposing 244
20 residential units, 6,000 square feet of retail,
21 plus 4,000 square feet of office. With that we
22 have designated an affordable housing component
23 so we are actually helping the Borough with ten
24 percent set aside. I note, and we will address
25 it by way of testimony, that it may come out to

7

1 nine percent by way of your planners calculation
2 but it is intended to be ten percent, so we are
3 actually complying with, at least right now,
4 what COAH appears to be in the ever changing
5 land of COAH.

6 We are showing 474 parking spaces on site
7 and when I say, compliant for residential, we
8 are slightly deficient in the parking designated
9 to be used for office and retail, and I will ask
10 you to be patient with me and I will -- our
11 professional team as you hear how our shared
12 parking will work, particularly given the fact
13 that the Bedrin Organization will be the office
14 users on the property and will be managing the
15 over all project.

16 The site will, in addition to having the
17 six buildings that will be developed in a
18 comprehensive manner, also will have a variety
19 of amenities and site upgrades. There is an in
20 ground pool proposed, an internal gym and
21 community room is proposed. And we know that
22 the Borough recently adopted the B-3 overlay
23 with various design guidelines and streetscape
24 provisions and it's our clients intention to
25 ensure that this project is in fact consistent

8

1 with those guidelines and you will hear from Mr.
2 Bedrin in terms of how he hopes that this
3 project becomes something that not only he and
4 his family are very proud of but all of you
5 would be proud of. We naturally will need a
6 host of outside agency approvals in addition to
7 your approval. The site has some environmental
8 constraints, we do have a No Further Action
9 letter. There are on-site monitoring wells but
10 there is a No Further Action letter that's been
11 issued. We will need DEP approval because of
12 the flood hazard limits. You will hear from our
13 engineer in terms of what actually would be
14 required for that approval and we will need
15 Passaic County approval, and you will hear the
16 steps that we already have taken with regard to
17 that approval.

18 We have a variety -- do you have our
19 project team up? I think I am probably blocking
20 this.

21 MR. DELIA: Why don't we mark the
22 power point as A-2.

23 MS. PRICE: Jim, can I ask you to
24 mark the power point as A-3, the entire power
25 point.

9

1 MR. DELIA: Sure.
2 (Power Point is marked as Exhibit A-3 for
3 identification)
4 MS. PRICE: And right now it
5 consists of 70 slides, I will not be showing all
6 70 slides tonight.
7 MR. HALLOCK: No, you wouldn't
8 make the time limit.
9 MS. PRICE: Right. It would be a
10 work in progress.
11 Also with our witnesses, but it was my
12 intention to provide you with a copy of the
13 power point by CD, if you want it in a different
14 format just advise. If you want it on a flash
15 drive or however you want to receive it.
16 A-2 Jim is this transit oriented slide that
17 we will be using as a formal exhibit.
18 MR. DELIA: Okay.
19 (Transit oriented slide is marked as Exhibit
20 A-2 for identification)
21 MS. PRICE: And that is drawing
22 CS-902 dated March 7, 2014 prepared by Langan
23 Engineering. But in terms of my reference in
24 terms of the overall project, when I indicated
25 that project envisions six buildings, they are

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1 outlined in white so that you see that you don't
2 have a linear development but rather staggered
3 development. The interior is parking and we
4 have designated the proximity of transit, which
5 you will hear the benefits from both, multiple
6 of our witnesses in terms of transit oriented
7 and the impact both from the community impact as
8 well as the land use planning impact on the
9 grant of variances and the importance of
10 developing multi-family housing proximate to
11 transit. You can see on there the boundaries of
12 the property, both with regard to residential
13 use across Wagaraw and as you know the property
14 backs up onto the Passaic River, and then we
15 have industrial uses on either side. I think
16 there would be a couple of issues that we will
17 need to address as we go along but I think I
18 heard tonight one issue that we got rid of right
19 away on the gross versus net acre, so I think
20 that's something that we have taken care of.
21 I do want to point out that we have
22 provided R-3 calculations in connection with our
23 submission, but I would like you to keep that
24 issue open as you hear this application and I
25 will tell you a couple reasons why.

11

1 One is, I know the code says that you
2 provide your zoning criteria for the zone that
3 you are in or the zone in which the use is
4 permitted, which ever one is more restrictive.
5 So the prior application you had R-3 determined
6 to be applicable. Here you don't have apples to
7 apples, because you have a mixed use
8 development. You don't have pure residential
9 that can be compared to the R-3. You have a mix
10 of uses with retail, office and residential in
11 terms of comprehensive redevelopment of the
12 site. So we will give you the numbers, we are
13 happy to provide that information, but I don't
14 think that it's legally relevant and I don't
15 think it's relevant from a planning sense. I
16 think what's relevant, and I hope that you will
17 agree at the end of the day, is whether this
18 design is appropriate for this property and
19 appropriate for the neighborhood and appropriate
20 for the stretch of Wagaraw and appropriate for
21 the community. Because at the end of the day
22 when you take action on the use variance you
23 will need to decide that. So if you are looking
24 at just pure numbers on R-3, and since we just
25 ended the prior application on this, looking at

12

1 the market rate units, which are about 220, we
2 are right at 24.2. If you add in the COAH units
3 to that we are up about 26.6 units per acre.
4 But I would like you to wait until you hear all
5 the testimony and really make a determination as
6 to whether that applies to begin with.
7 It is two lots, Lot 8 and Lot 10. There
8 are some discrepancies on the identification of
9 the smaller property for which we are contract
10 purchasers. The Boroughs records are, there is
11 no clear cut identification in the Borough on
12 the tax assessment map for the smaller property
13 so I provided both. I have provided as much tax
14 lot and block information as I possibly can, so
15 that's why you have multiple tax lot and block
16 information for that smaller property. I am
17 happy to follow up post meeting with your
18 counsel and Mike Kelly if that's necessary on
19 that issue.
20 We do have two reports that we received
21 and I don't know if you want to mark those at
22 the outset as B-1 and B-2 or do that --
23 MR. DELIA: Do that later on.
24 MS. PRICE: Okay.
25 So with that I think that's my overview and

13

1 I would like to call Mr. Bedrin as our first
2 witness unless there is a couple housekeeping --
3 MR. HALLOCK: Couple things
4 before we start.
5 MR. DELIA: Board members, Nancy
6 Agnello, she's a member of the Hawthorne Italian
7 American Club and apparently a client of the
8 business association with the Italian American
9 Club, she is recusing herself from this
10 application.
11 MS. PRICE: So we have -- we
12 still have --
13 MR. HALLOCK: Seven members here
14 tonight and you have Mr. Terraglia who is not
15 here.
16 MS. PRICE: Okay. Good.
17 MR. HALLOCK: We have to hear
18 from Mr. Terraglia as to whether he can hear
19 this application.
20 MS. PRICE: Okay. All right, so
21 that's fine.
22 Anything else from a housekeeping standpoint
23 that needs to be discussed?
24 MR. HALLOCK: The only other
25 housekeeping item, I strongly suggest a couple

14

1 things. One, I think I clarified that tonight
2 she's got all the reports but the report Mike
3 that you made about the fire department and the
4 police department and there was something else
5 in there. There was three items.
6 MR. KELLY: OEM also.
7 MR. HALLOCK: And that really is
8 environmental, our environmental commission
9 should be here looking at it and giving a report
10 back. So I add it to Mike's concerns at the end
11 of his narrative, the last one just came out the
12 last couple of days.
13 MR. KELLY: Yes.
14 MR. HALLOCK: He indicated that,
15 and then getting back to engineering. I really
16 would like his report to be addressed and make
17 sure that early in the application any issues
18 there are reconciled between the engineering
19 firms, not reconciled here.
20 MS. PRICE: That's fine, and I
21 think that was our intent with our engineer to
22 do that and to try to whittle this down.
23 MR. HALLOCK: Right, exactly.
24 MS. PRICE: In terms of
25 facilitating that with the other agencies.

15

1 Mike, is that something that you will arrange or
2 do you want us to arrange that with fire and
3 police and OEM?
4 MR. KELLY: It should come
5 through -- the zoning board should provide them
6 with the submission and then we should get
7 comments from them.
8 MR. HALLOCK: Have we supplied
9 the police on, let's say on the application we
10 heard here tonight, the decision or whatever it
11 was, the apartment that was on McDonough Avenue?
12 MS. HERVE: Yeah, they got
13 everything, they gave a comment letter.
14 MR. HALLOCK: I wanted to make
15 sure about the police administratively, how do
16 we get them involved? So you are going to take
17 care of that?
18 MS. HERVE: I have been.
19 MS. PRICE: Because the sooner
20 the better, if they have any issues that we can
21 address the better.
22 MR. HALLOCK: Exactly.
23 MS. HERVE: I have given them a
24 copy.
25 MS. PRICE: Okay, good. Great.

16

1 So if I can have Mr. Bedrin sworn Mr. Delia.
2 MR. DELIA: Do you swear the
3 testimony you are about to give us will be the
4 truth the whole truth and nothing but the truth.
5 THE WITNESS: I do.
6 MR. DELIA: State your name and
7 spell you last name.
8 THE WITNESS: Bedrin,
9 B-E-D-R-I-N. Gerald.
10 MR. DELIA: Thank you. And your
11 business address, please?
12 THE WITNESS: 65 Harristown
13 Road, Glen Rock.
14 MR. DELIA: Okay. You are sworn.
15 Q. Mr. Bedrin, you just listened to my
16 opening and my review and you are in fact the
17 owner of the subject property and contract
18 purchaser of the smaller parcel, correct?
19 A. That's correct.
20 MR. HALLOCK: You can sit down.
21 Makes all of us comfortable when the witnesses
22 are sitting down that they're not going to
23 attack us. You have got to talk into the
24 microphone so that amplifies.
25 Q. Okay.

1 And at my request you have prepared a
2 brief overview of your history of involvement
3 with the subject property, correct?

4 **A. That's correct.**

5 **Q.** And you also retained the project team
6 that has prepared the application, and just for
7 the record that application was first filed in
8 May, May 2nd of this year and amended to the
9 extent deemed necessary in December -- on
10 December 5th by the addition of your parking
11 structure, is that correct?

12 **A. That's correct.**

13 **Q.** Okay.

14 All right. So I am going to ask you, in
15 the interest of time, if you could, go ahead and
16 provide that historical information to the board
17 and members of the public who are here?

18 **A. Okay. Ready.**

19 **Ladies and gentlemen of the board, I**
20 **recognize the hour is late, ten days away from**
21 **the holidays and 20 years ago when I served on**
22 **the Clifton Board of Adjustment I hated these**
23 **late nights. But in my 40 year business career**
24 **this is the most important presentation I have**
25 **ever made. So I thank you for the opportunity**

1 **of introducing Rivergate, Hawthornes first and**
2 **only mixed use transit oriented development.**
3 **It's similar to the design and purpose of the**
4 **Promenade on Route 208 in Fair Lawn which has**
5 **become very popular and it is scaled down to**
6 **what we feel is appropriate for Wagaraw Road,**
7 **which is not 208.**

8 **Now, I am here because residential is not**
9 **permitted in this industrial zone, but if you**
10 **stand in front of my property, which is right**
11 **here, and look out you see much more residential**
12 **than industrial and Rivergate wouldn't creat the**
13 **impact on the neighbors that industrial can, as**
14 **we know from and read about ongoing industrial**
15 **issues in Hawthorne. But now I would like to**
16 **give you background on how we got here.**

17 **Back in early 2007 I was contacted by**
18 **Mayor Pat Botbyl as a Medco Pharmaceutical**
19 **employee, he told me that they had just**
20 **completed a major cleanup of eight acres, 204**
21 **Wagaraw, resulting in an unrestricted No Further**
22 **Action letter and they were preparing to market**
23 **the land. He thought that I would be an**
24 **appropriate buyer since I owned the Rag Shop**
25 **Center down the road, it seemed like a good idea**

1 **then. I put the land under contract and was**
2 **quickly contacted by Kohl's Department Store who**
3 **said they would like to locate a 100,000 square**
4 **foot department store there. The Mayor and**
5 **Council adopted the appropriate zoning for what**
6 **Kohl's would require and ultimately implement it**
7 **to accommodate this amount of retail use.**
8 **That's 100,000 square feet. I closed on the**
9 **property in June of 2008, borrowing 6.7 million**
10 **dollars, which I still owe, with the**
11 **understanding that we would be able to build**
12 **100,000 square feet of retail. Later in 2008**
13 **the financial market crashed and Kohl's backed**
14 **out of their deal and I was left holding the bag**
15 **and debt and \$250,000 in additional engineering**
16 **expenses for the Kohl's drawings. Over the next**
17 **four years while retailers were going under and**
18 **retreating I contacted every major retailer to**
19 **see if I could secure them for the site.**

20 **Now, I own and manage other shopping**
21 **centers, so I have access to these retailers and**
22 **I am represented by the largest retail broker in**
23 **our marketplace. I attended all the shopping**
24 **center shows, I met with TJ Max and Stop & Shop**
25 **and Pathmark and LA Fitness, just to name a few.**

1 **But the retail world had changed and retailers**
2 **became much more selective in where they wanted**
3 **to locate. They did not see and do not see the**
4 **Wagaraw Road corridor as where they want to be,**
5 **evidenced by the fact that in the ten years that**
6 **I have owned the Rag Shop Center I have had to**
7 **replace over 80 percent of the tenants and the**
8 **last to leave, CVS, left me with a vacancy for**
9 **over two years until recently I replaced them**
10 **with the Flaming Grill Buffet. We consulted,**
11 **even consulted an industrial broker, a**
12 **specialist in Passaic County, who explained to**
13 **us that with over 1.3 million square feet of**
14 **vacant buildings in Hawthorne and Paterson with**
15 **an average asking rent of \$4.25 a foot we would**
16 **never be able to get a tenant with a high enough**
17 **rental to cover the taxes, mortgage and**
18 **maintenance, let alone make a return on our**
19 **investment. Now finally in 2012 Wal-Mart, who**
20 **had initially turned me down for a traditional**
21 **store, said they would be interested in opening**
22 **a 40,000 square foot neighborhood grocery as**
23 **part of an over all 50,000 square foot project.**
24 **So this 50,000 foot total was now half of what**
25 **was originally approved and what we thought we**

1 would be getting when we bought the property.
 2 The deal was negotiated over the next 12 months
 3 and additional expenses of \$350,000 and
 4 engineering and other soft costs was spent.
 5 Zoning modifications were drafted by the council
 6 and the site plan was approved by the planning
 7 board of both Hawthorne and Passaic County and
 8 even New Jersey Department of Environmental
 9 Protection. Unfortunately ShopRite got wind of
 10 it and was concerned that Wal-Mart would impact
 11 their business and sued Hawthorne and the
 12 Bedrins over the zoning modification. The case
 13 got locked up in court and Wal-Mart decided to
 14 terminate the deal but the suit was not dropped
 15 because now ShopRite wanted to make sure that no
 16 grocery would be able to locate there and
 17 compete with them. Now, in my opinion in order
 18 for the Borough to make the suit go away, which
 19 had become very expensive to the Borough, the
 20 Borough agreed to void out all the old zoning
 21 and litigation and put in new, very restrictive
 22 zoning, negatively impacting my ability to use
 23 my property, now allowing for only 30,000 square
 24 feet of retail versus the original 100,000. By
 25 this time my costs for the property have

1 exceeded ten million dollars while I continue to
 2 pay \$70,000 a year in property taxes, \$25,000 in
 3 maintenance without the use of the property,
 4 that's over half a million dollars to Hawthorne
 5 during my ownership and not a dollar of income.
 6 While I recognize from my days on the board that
 7 my financial issues may not relate to the
 8 application they can't be ignored for historical
 9 significance. Not knowing what to do next I
 10 remembered prior to our buying the property that
 11 Hovnanian was interested in acquiring but had a
 12 falling out with Merck over the terms. I did
 13 some research and found out that Hovnanian had
 14 actually made a presentation to the council for
 15 a mixed use development and the council was
 16 supportive of it.
 17 Throughout my six years owning this
 18 property the demand for transit oriented
 19 development has become very popular and strongly
 20 encouraged by Passaic County Planning Board,
 21 State of New Jersey and even Transit of New
 22 Jersey. Looking at the aerial photo -- looking
 23 at the aerial photo the subject parcel is
 24 adjacent to a used car lot.
 25 MS. PRICE: For the record, this

1 is A-3A.
 2 THE WITNESS: So it is adjacent
 3 to a used car lot which presently serves as the
 4 gateway to Hawthorne as you come under the
 5 trestle. We have this eyesore under contract as
 6 part of our contract. Then there is Lot 9 owned
 7 by Transit of New Jersey who we have met on two
 8 occasions to discuss including it in our project
 9 but currently they have no interest in selling
 10 it but they're not adverse to our crossing it.
 11 It doesn't interfere with our project. The
 12 balance of the property is buffered by the river
 13 behind it that will be used as a future river
 14 walk open to all Hawthorne residents consistent
 15 with Goffle Brook Park and the train tracks to
 16 the left, which is consistent with all transient
 17 oriented developments and a distribution to the
 18 right phasing. And the largest area is clearly
 19 all residential. This area includes 33 Forest
 20 Avenue, which 33 Forest is not in this picture,
 21 but 117 Washington. Anyhow, 33 Forest and 117
 22 Washington, two very successful multi-family
 23 projects that generally are considered the most
 24 luxurious, highest rent achieving apartments
 25 that was in Hawthorne and almost 100 percent

1 leased. Rivergate would be luxurious and priced
 2 similarly to attract the affluent tenant to make
 3 a positive impact on Hawthorne. There obviously
 4 is demand for high end apartments since those
 5 two properties remain 100 percent leased now.
 6 Rivergate is a mixed use transient oriented
 7 development consisting of luxury apartments that
 8 are minutes away by foot or bike from the train
 9 station. Because of the proximity to the train
 10 station Rivergate will attract young
 11 professionals who work in New York City but want
 12 to live in northern New Jersey. One car
 13 households requiring less parking, they will
 14 shop in our stores, eat in our restaurants,
 15 frequent our movie theater. Rivergates effect
 16 will benefit all local Hawthorne businesses and
 17 the employees. This is key because one car
 18 means thousands of dollars saved per year on car
 19 payments, insurance, gas and tolls that can be
 20 spent in our community. One car also means less
 21 of an impact on traffic, noise and environmental
 22 air quality. Rivergate is self contained with
 23 its own pool, fitness center, walking trails and
 24 10,000 square feet of amenity rooms that will be
 25 made available to Hawthorne groups such as

1 seniors, domestic violence, similar to what is
 2 done at Park Place and Vandyke.
 3 Now, ten percent of the units will be
 4 two-bedroom, the balance being one-bedroom and
 5 one-bedroom with office to accommodate this new
 6 breed of work at home generation. Because 90
 7 percent is one-bedroom it will have a minimum
 8 impact on schools. The project also will be
 9 pre-marketed to existing Hawthorne residents and
 10 seniors who would like to sell their homes but
 11 stay in Hawthorne. It will have the required
 12 number of COAH units helping Hawthorne's COAH
 13 obligation. We believe there already exists
 14 currently Hawthorne residents who qualify for
 15 COAH units as well as Hawthorne seniors. I
 16 already met with Golden Horizons Senior Group
 17 and have a list of the interested seniors. In a
 18 meeting with Vivian Baker, who is the assistant
 19 director of Transit Friendly Land Use and
 20 Development Transit in New Jersey, she told us
 21 that this is a type of development that they
 22 encourage. Currently the station is under
 23 utilized but based on this project they will
 24 improve the station by adding an enclosed heated
 25 waiting area, new landscaping, bike racks and

1 signage. They would also consider adding a bus
 2 stop in front of Rivergate. These amenities
 3 will encourage our residents to use public
 4 transportation thus keeping more cars off the
 5 road and infusing more money locally. This is a
 6 powerful combination.
 7 Rivergate will have a retail component
 8 that will service not only the development but
 9 the communities and the families who visit our
 10 recreational fields and town pool across the
 11 street.
 12 Now, we will be targeting convenience
 13 type in and out retail similar to frozen yogurt,
 14 burger shops, dry cleaners, coffee shops.
 15 Communities and the local residents now will be
 16 able to grab a snack for the train or walk there
 17 in minutes when they're out of work. This type
 18 of retail is more consistent with neighborhood
 19 shopping versus highway or destination shopping.
 20 There will be dedicated parking for these
 21 retailers but we believe the bulk of the
 22 business is generated from walkers, from the
 23 recreational area, community and local
 24 neighbors. This property has unfortunately been
 25 a blight and under utilized for 30 years and not

1 generating the full taxes the Borough needs.
 2 Tim Henderson, your tax assessor, estimates this
 3 project will generate \$750,000 in new taxes.
 4 Our goal is to continue to secure Hawthorns
 5 future by investing in areas in need of love and
 6 attention while providing rateables through
 7 projects that serve the communities needs. We
 8 continue to support Hawthorne in every way
 9 possible and getting this built will allow us to
 10 do more. Last years award for the Mayor and
 11 Councils effort in raising substantial funds for
 12 the 911 memorial. Since we are across the
 13 street from and benefit from the recreation
 14 center my next goal is to help raise money to
 15 complete the band shell. We have owned the
 16 former Rag Shop Center for ten years now and I
 17 have invested hundreds of thousands of dollars
 18 improving it and we plan a complete face lift
 19 tied to the success of Rivergate. The Bedrins
 20 have always been a family run business. As a
 21 family we are involved in most every single
 22 charitable organization we can be. We are proud
 23 of our relationship with Hawthorne and given
 24 approval by this board we will be moving our
 25 Bedrin offices to Rivergate where we will manage

1 it and oversee the development on a daily basis.
 2 I am appearing before this board tonight
 3 because I need the relief that this board and
 4 only this board is empowered to give me. I have
 5 run out of options and I need your help.
 6 Thank you.
 7 MS. PRICE: I don't have any
 8 questions for Mr. Bedrin. I will reserve
 9 depending on board questions or any questions
 10 from the public.
 11 MR. HALLOCK: Any questions about
 12 the opening statement from Mr. Bedrin?
 13 The only question I have, when you
 14 mention talking to the individuals, I guess New
 15 Jersey Department of Transportation or the
 16 railroad.
 17 THE WITNESS: Vivian Baker from
 18 the Transport of New Jersey.
 19 MR. HALLOCK: You mentioned about
 20 renovation of the train station, possibility of
 21 that, you also mentioned about the bus. The bus
 22 stop was going to bus stop, train station or
 23 Wagaraw Road?
 24 THE WITNESS: We could request
 25 to have a bus stop right in front of our

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1 project.

2 MR. HALLOCK: That makes a lot

3 more sense getting the traffic down.

4 THE WITNESS: No, it would be

5 right in front of our property.

6 MR. HALLOCK: Okay.

7 MR. GALLAGHER: I have a

8 question. If this application is approved where

9 am I going to park on Hawthorne?

10 THE WITNESS: We are going to

11 let them use the parking lot behind the

12 Hawthorne Center and going to close that

13 indifference to Hawthorne Day and let you use

14 that lot.

15 MR. MELFI: Will there be a bus

16 service in regards to taking residents from the

17 project to the train station, like a shuttle

18 type of bus?

19 THE WITNESS: It's not planned

20 on because you are familiar with how close it

21 is. It is really only a few short blocks. Now,

22 these are going to be luxury apartments and as

23 such if our tenants demand something like that

24 we are going to have to be sensitive to it

25 because as I indicated our office is going to be

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1 right there, so we are going to have our pulse

2 on what we need. If that's something they need

3 that's something we have to supply.

4 MR. HALLOCK: To get the train, I

5 guess we will get into that and the site work

6 and everything else, that would be across

7 Lafayette Avenue?

8 THE WITNESS: Yes.

9 MR. HALLOCK: Traffic light?

10 THE WITNESS: There is a traffic

11 light there now, I don't know if my

12 professionals are going to talk about it. We

13 would like to improve that with one of these

14 walk-don't walk kind of lights. That makes it a

15 little bit better.

16 MR. HALLOCK: Okay.

17 MS. PRICE: The attorney will

18 answer that also.

19 Yes, that intersection will be, you will

20 hear about that from the engineer, but that

21 intersection will be upgraded as part of the

22 county's plan and Exhibit A-2 we have actually

23 identified in red the walking path as well to

24 the train station. So that's why we utilized

25 that color, just to differentiate. But there is

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1 significant roadway improvements along Wagaraw

2 and at that intersection with a signalization

3 upgrade, that's part of the County plan.

4 MR. HALLOCK: Okay. Thank you.

5 MR. KELLY: I have a question.

6 You mentioned that your organization will occupy

7 the office. Are you going to occupy the entire

8 office?

9 THE WITNESS: Yes, we are.

10 MR. KELLY: How many employees do

11 you have?

12 THE WITNESS: Counting all of

13 us?

14 MR. KELLY: Yes.

15 THE WITNESS: Six. And that's

16 why we will not require as much parking for that

17 part of the project.

18 MR. KELLY: And any plans in the

19 future to lease out additional space in that

20 office to others?

21 THE WITNESS: No, we are going

22 to require the entire space.

23 MR. KELLY: Okay. Thank you.

24 MS. PRICE: That's a stipulation

25 that you have no problem making, correct? In

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1 terms of your occupancy.

2 THE WITNESS: Yes.

3 MS. PRICE: Okay.

4 MR. HALLOCK: Board members have

5 any other questions on the opening comments?

6 MR. SCHROTER: How many buildings

7 are going to be on the property again?

8 MS. PRICE: Six.

9 MR. SCHROTER: I'm confused by

10 the picture there. You have, you said the

11 center was parking, I see four others and two

12 small ones here.

13 MS. PRICE: This is one building

14 here, one building here, these are residential

15 units and the main entrance is here and you will

16 see better when we put the site plan up.

17 MR. SCHROTER: Okay. You don't

18 have to elaborate.

19 MS. PRICE: And this is Building

20 1 and the parking structure is internal. So

21 that you don't see that from the street.

22 MR. HALLOCK: Okay. No other

23 questions from the opening comments. Okay.

24 MS. PRICE: Are we doing public

25 for this witness?

1 MR. HALLOCK: I don't think you
2 really had anything definitive on the plans to
3 get to that, I would rather wait until you have
4 the expert witnesses, not that Mr. Bedrin isn't
5 an expert on something. I want to make sure the
6 expert is on protecting stuff.

7 MS. PRICE: Okay.

8 MR. DELIA: At some point the
9 public would be entitled to ask this witness any
10 questions.

11 MR. HALLOCK: Is he going to be
12 around?

13 THE WITNESS: I will be around.

14 MR. HALLOCK: Anybody want to ask
15 a question to Mr. Bedrin as to what he testified
16 to? I would rather not go into the long history
17 of the project of your concerns because I don't
18 think it is germane. It is a good background
19 but not germane to the application.

20 MS. PRICE: And Mr. Bedrin will
21 be around and available for any questions. I
22 want to make sure that the public knows that he
23 will be here for any questions should they have
24 any during the application.

25 MR. HALLOCK: Anybody in the

1 public have a desire to ask any questions at
2 this time? On what you heard not on what you
3 haven't heard.

4 Yes.

5 THE PUBLIC: Carmen Ruta,
6 R-U-T-A.

7 Mr. Bedrin, I understand in the beginning
8 of the speech here that the used car lot is
9 going to be part of that, you are going to
10 acquire that property also?

11 THE WITNESS: Yes, under
12 contract and it is going to go away, so that
13 eyesore will be no more. When people come under
14 the trestle they're going to see a beautiful
15 development as the entrance to Wagaraw Road
16 rather than a used car lot.

17 THE PUBLIC: Okay. I wanted to
18 clear that up. Thank you. Very good.

19 MR. HALLOCK: I still think the
20 Front Porch is going to be a key note coming
21 into Hawthorne.

22 MS. PRICE: Okay.

23 MR. HALLOCK: I'm sorry.

24 THE PUBLIC: Dan DeBlock.

25 MR. DELIA: No, not the time for

1 a statement.

2 THE PUBLIC: I work at Kohler
3 Distributors.

4 MS. PRICE: Can I ask, are you a
5 Hawthorne resident?

6 THE PUBLIC: No, employee of
7 Kohler. One question.

8 You said this would benefit every
9 business in Hawthorne, you forgot the closest
10 one to you. I don't see how this is going to
11 benefit us.

12 MS. PRICE: Is that the question?

13 THE PUBLIC: Yeah.

14 THE WITNESS: Okay, you would
15 like an answer. I suppose you would or else you
16 wouldn't ask the question.

17 How many employees do you employ?

18 THE PUBLIC: About 200.

19 THE WITNESS: You know what, some
20 of your employees would like to live in this
21 project and those 200 employees, although they
22 go to the Flaming Grill for lunch or Bottagra's,
23 which would be costly. I bet they would like
24 the idea of going into my coffee shop or deli
25 and being able to pick up breakfast or lunch and

1 I would think that, you know, having a nice
2 facility you folks have they would rather have a
3 beautiful development like this rather than a
4 vacant lot for 30 years and the \$750,000 that we
5 will pay in taxes per year will help stabilize
6 the tax base in Hawthorne so maybe they wouldn't
7 have to raise taxes. You guys are very big
8 taxpayers also, so maybe this will help avoid
9 that. Off the top of my head that's all I can
10 think of now.

11 THE PUBLIC: Can I ask the board
12 anything at this point.

13 MR. HALLOCK: On his testimony, I
14 don't know if I can give any answers on his
15 testimony. What he testified to is historical,
16 up to this point, of him acquiring the property
17 basically, so ask your question but --

18 THE PUBLIC: Since the property
19 technically is going to be rezoned now or are we
20 still at the earlier stages?

21 MR. HALLOCK: So this is an
22 application to grant a variance on the present
23 zoning.

24 THE PUBLIC: Still considered an
25 industrial zone with a variance on it.

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1 MR. GALLAGHER: With the changes
2 the town made last year as demonstrated earlier,
3 but still a combination.
4 MR. HALLOCK: We will get into
5 that with the planner and everything along that
6 line. Very simply.
7 THE PUBLIC: Okay. Thanks.
8 MR. HALLOCK: Okay.
9 Anyone else who has any questions? Okay.
10 MS. PRICE: Okay.
11 What's the boards --
12 MR. HALLOCK: Let me ask the
13 question first. What's the listing of your
14 witnesses and if you can give it to us in order,
15 I would appreciate it.
16 MS. PRICE: I can.
17 MR. HALLOCK: Okay.
18 MS. PRICE: Next witness up is
19 Mr. Petrillo for architecture and he will do the
20 proposed architecture of the buildings, both
21 exterior as well as interior layouts, which is
22 responsive to some of the questions that have
23 been asked, to have some gaps filled in in terms
24 of information.
25 Second witness, next witness after Mr.

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1 Petrillo, would be from Langan Engineering, our
2 civil engineer and he will take us through the
3 meat of the application.
4 Next witness we will have is traffic. A lot
5 of traffic will be covered by the county because
6 it is a county road but we will be responsive to
7 traffic questions that have been issued.
8 Then our last witness will be our
9 professional planner and then whatever rebuttal
10 that's necessary. But that's the exact order.
11 MR. HALLOCK: I would assume the
12 architect is going to be and any questions that
13 maybe from that, more than half an hour?
14 MS. PRICE: I think the direct
15 probably is about 20 minutes to half an hour.
16 MR. HALLOCK: I guess there
17 probably will be a lot of questions, I am
18 guessing more than half an hour for the whole
19 ball of wax.
20 MS. PRICE: I think if we had got
21 it right that the board was thinking about
22 having two meetings in January.
23 MR. HALLOCK: I am going to
24 suggest to you because the board put off --
25 excuse me, put the site plan on the Central Ave

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1 project to the meeting on the 19th, which is the
2 regular meeting. We also have cleared I think
3 with all board members, that the 12th would be
4 available in January. So if you're, if any of
5 you are available we can move it to the 12th or
6 move it to the 19th. I don't know how long that
7 site plan is going to take and I am recusing
8 myself on that one. So I better not interject,
9 maybe counsel or Mr. Gallagher have an idea. Is
10 the 12th a problem?
11 MS. PRICE: 12th is a problem for
12 me personally, but the 19th is fine. Are you
13 definitely having a meeting, that's a holiday?
14 MR. HALLOCK: We always met on
15 that day.
16 MS. PRICE: Okay.
17 MR. HALLOCK: Only holiday we
18 move is Washington.
19 MS. PRICE: So team wise we are
20 fine for the 19th.
21 MR. HALLOCK: Okay. Would you
22 say that -- what do you think Joan, how would
23 you put this right now. Let's leave the 19th
24 open for these two applications, any residential
25 or mom and pop type applications that come in

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1 let's make it to the 12th and see what happens.
2 Anything that comes in tell them that they're
3 going to have to have that material in before
4 the 12th meeting, 12th deadline -- rather the
5 19th deadline. And notice of meeting will have
6 to be out for the 12th.
7 MR. DELIA: I will talk with Mr.
8 Vogel tomorrow and find out what his legal
9 position on this is but I see this as a C
10 variance which directed itself to the planning
11 board.
12 MR. HALLOCK: In that case if he
13 does make this --
14 MR. DELIA: I will call you.
15 MR. HALLOCK: Then we move that
16 application to the 12th, if you guys say it is
17 got to be before us, hopefully it doesn't.
18 MR. SCHROTER: We may nix it all
19 together.
20 MR. HALLOCK: We may. So the
21 object here is the two applications would be
22 heard, the plan in connection with the 233
23 Central Avenue, is that the number 233? And
24 also the 204 Wagaraw Road, okay. So we probably
25 could knock off a big chunk of that.

1 MS. PRICE: So this matter will
 2 be carried without further notice to the 19th.
 3 MR. HALLOCK: Carried to the
 4 19th. Is that okay with the board members?
 5 MR. DELIA: Seven PM in this
 6 room.
 7 MR. HALLOCK: Motion by
 8 Gallagher.
 9 MS. HERVE: Mr. Chamberlain.
 10 MR. CHAMBERLAIN: Yes.
 11 MS. HERVE: Mr. DeRitter.
 12 MR. DeRITTER: Yes.
 13 MS. HERVE: Mr. Duffy.
 14 MR. DUFFY: Yes.
 15 MS. HERVE: Mr. Gallagher.
 16 MR. GALLAGHER: Yes.
 17 MS. HERVE: Mr. Melfi.
 18 MR. MELFI: Yes.
 19 MS. HERVE: Mr. Schroter.
 20 MR. SCHROTER: Yes.
 21 MS. HERVE: Mr. Hallock.
 22 MR. HALLOCK: Yes.
 23 MS. PRICE: We will also then, in
 24 the meantime since we have some time, we will
 25 make sure we get with Mr. Kelly and our civil

1 engineer and hopefully hear from the police and
 2 fire and environmental.
 3 MR. HALLOCK: Hopefully.
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C E R T I F I C A T E

1
 2 I, ERIC S. FISHMAN, a Shorthand
 3 Reporter and Notary Public of the State of New
 4 Jersey do hereby certify that the foregoing is a
 5 true and accurate transcript of the testimony as
 6 taken stenographically by and before me at the
 7 time, place and on the date hereinbefore set
 8 forth, to the best of my ability.

9 I DO FURTHER CERTIFY that I am
 10 neither a relative nor employee nor attorney nor
 11 counsel of any of the parties to the action; and
 12 that I am neither a relative nor employee of
 13 such attorney or counsel; and that I am not
 14 financially interested in the action.

 ERIC S. FISHMAN, S.R.

DATED: _____

Chairman Hallock entertained a motion to carry application 204 Wagaraw Road, Rivergate of Hawthorne to a special meeting of February 9th, 2015 meeting & February 23rd for the site plan for 233 Central. Motion by Gallagher, seconded Terraglia, on roll call, all voted yes.

ADJOURNMENT

At 10:00 p.m. Mr. Hallock entertained a motion to adjourn the regular meeting, moved by Terraglia, seconded by Schroter. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT
WILL BE ON

~MONDAY, FEBRUARY 23RD, 2015 ~

**THE WORK SESSION WILL BEGIN AT 6:45P.M. WITH THE REGULAR
MEETING IMMEDIATELY FOLLOWING**

Respectfully Submitted,
Joan Herve, Secretary