# Hawthorne Planning Board
# Minutes of December, 2011 Regular Meeting

The December, 2011 regular meeting of the Hawthorne Planning Board was called to order on December 20, 2011 at 7:30 P.M. by Chairman Garner. After recital of the Pledge of Allegiance, Board Secretary William A. Monaghan, III called the roll. All members and alternates except Mrs. Forshay were present as well as Board engineer Michael J. Kelly, P.E., Steve Lydon, P.P., representative of the Board planner and Board attorney/secretary William A. Monaghan, III, Esq. Chairman Garner announced that notice of the meeting had been published and posted in accordance with the Open Public Meetings Act.

## MINUTES

1. On a motion made by Ms. DiMattia and seconded by Mr. Matthews, the Board approved the minutes of the November regular meeting and December work session.

## CORRESPONDENCE – None

## BILLS

1. A motion was made by Ms. DiMattia, seconded by Mr. Matthews, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 987630 in the amount of $39.00.

## RESOLUTIONS

1. With regard to the application of **Summit Mfg. & Intuition Sales & Marketing**, a motion was made by Vice Chairman Lucibello, seconded by Ms. DiMattia and approved by a vote of 7-0 to approve a resolution memorializing the action taken by the Board at its December 6, 2011 meeting.

## CERTIFICATE OF COMPLIANCE PLAN REVIEW – None

## OLD BUSINESS

1. With regard to the application of **204 Wagaraw Road, LLC**, Darryl W. Siss, Esq. appeared as attorney for the applicant for the continuation of the hearing commenced at the November 22, 2011 Board meeting. He indicated that the

applicant had submitted revised plans in response to the comments of the Board engineer and Board members at the previous hearing. With regard to the issue raised by the Board engineer in paragraph 6 of his review letter as to a possible variance requirement, the Board determined that the revision of the plans to provide for walkways rather than islands in some locations eliminated the ordinance requirement for shade trees on the islands. Mr. Siss also represented on behalf of the applicant that the applicant will provide the necessary easement and include a provision for the access path in its NJDEP submittals as requested in paragraph 7 of Mr. Kelly's review letter.

Mr. Siss then re-called Calisto Bertin, the applicant's site engineer, for additional testimony. Still under oath, Mr. Bertin described the revisions to the plans since the last hearing. He advised the Board that as a result of a meeting with the County planning department, the proposed driveway at the Lafayette Avenue intersection had been reconfigured. Although not yet shown on the plans, a bicycle lane requested by the County will be included and the center island on Wagaraw Road east of the site will be moved. Mr. Bertin indicated that the prospective tenant for the proposed supermarket requires the ability to operate beyond the hours specified in the conditional use ordinance. He stated that Sheet 2.8 of the plans shows a revised lighting intensity. The plan revisions also provide for an additional landscape island, relocation of the handicapped parking spaces, additional trees and additional variety of landscaping plantings.

Mr. Bertin then offered the applicant's responses to the comments made in the Board engineer's latest review letter dated December 16, 2011:

Paragraph 8 - The applicant will provide confirmation of the required sight distances.

Paragraphs 9 and 10 - The requested notes will be added to the plans.

Paragraphs 15-19 - The requested calculations will be submitted for review and an additional fire hydrant will be provided as required by the Hawthorne Fire Department.

Paragraph 20 - The applicant will submit the required calculations.

Paragraph 21 - The applicant will submit stormwater management proposals to NJDEP and will review the proposals with the Board engineer. Mr. Kelly indicated that the suggested procedure is satisfactory.

Paragraph 25 - Mr. Monaghan noted the receipt of a report dated December 16, 2011 prepared by Ptl. Anthony J. DeLallo of the Hawthorne Police Department. Copies were forwarded to Board members and the applicant's attorney. Mr. Bertin indicated that Ptl. DeLallo's report had been reviewed during his meeting with the Passaic County Planning Department. He advised the Board that the County does

not want a third lane designated for right turns into the site at the Lafayette intersection. He represented, however, that, if required at a later date, the applicant will pay for the additional lane. He also represented that the applicant will make arrangements for installation of any traffic signage required by Hawthorne or Passaic County, including the "advance stop" markings suggested by Ptl. DeLallo if approved by Passaic County and if contained in the Manual on Uniform Traffic Control Devices.

Paragraphs 28 and 29 - The applicant will submit the application and the soil movement values.

Paragraph 31 - A copy of the requested Wetlands map will be provided by the applicant.

Paragraphs 32 and 33 - The applicant will obtain the required approvals/permits from NJDEP.

Mr. Siss called as his next witness Perry M. Petrillo, the applicant's architect. After being sworn, he indicated that he has a bachelor's degree in architecture, has been licensed as an architect in New Jersey since 1992 and is also licensed in twelve other states. He was offered and accepted without objection as an expert witness. He described the architectural plans which he prepared and submitted in support of the application. He utilized colored perspective views of the proposed structures which were marked as Exhibits HM-5 (12/20/11) and HM-6 (12/20/11) respectively. He indicated that the proposed building is designed with the tenants oriented toward the east with loading on the westerly side. The smaller retail spaces are on the northern end of the site, closer to Wagaraw Road, with the large retail supermarket toward the southern portion of the property. He described the design as an attempt to break down the massing effect of the structure, both horizontal and vertical by the use of different building materials, facades, fenestrations and awnings. He also sought to reduce the scale and proportion of the building closer to the street. With regard to paragraph 41 of Mr. Kelly's report, Mr. Petrillo indicated that the exterior mechanical equipment will be screened by the parapet wall of the building and will not be visible. Mr. Kelly was satisfied with the testimony as to the screening. Mr. Petrillo also advised the Board that security cameras will be mounted on the perimeter of the building. He will coordinate the standpipe connections with the Fire Department.

Mr. Petrillo then responded to questions from Mr. Lydon as well as several members of the public. He stated that noise and odor would not impact the residential areas across Wagaraw Road. He represented that the applicant would discuss with the Fire Department the height of the parapet from a safety standpoint for firefighters. In response to questions from a representative of the Hawthorne Environmental Commission, he indicated that the applicant has no plans to install solar panels. With regard to the need for a vapor barrier to address groundwater issues, he advised the Board that the applicant's environmental consultant would

make a determination and that the supermarket tenant's environmental consultant might also impose requirements.

Discussion then took place regarding the applicant's request for extended business hours of operation for the supermarket tenant beyond the limits set in the ordinance regulating conditional use development. The recently amended ordinance allows the Board to approve hours of operation for supermarkets subject to conditions set by the Board. Mr. Siss indicated that his client's proposed supermarket tenant requests the ability to remain open 24 hours per day. Mayor Goldberg stated that the Police Department has requested that the applicant be required to provide on-site security from 7:00 P.M. to 7:00 A.M. if the supermarket is open on a 24 hour basis. Mr. Siss then rested his presentation on behalf of the applicant.

Chairman Garner then requested comments from Board members. Mr. Ruta expressed concern about the lack of irrigation proposed for the site. Mr. Kelly advised him that the applicant will be required to post a two year maintenance guarantee which would not be released if the landscaping does not survive. Board members indicated that maintenance of the landscaping should be a condition of approval.

The hearing was then opened for additional public comment. John Brown, a resident of May Street, voiced his concern about the possible 24 hour operation of the supermarket. The Board explained that the hours of operation would be subject to conditions imposed by the Board. Rayna Laiosa, chairperson of the Environmental Commission, complimented the applicant regarding the level of details in the plans. In answer to her question regarding the proposed mulch path, she was advised that the path will also be subject to approval by NJDEP. The hearing was then closed to public comment.

Discussion then took place among Board members regarding action on the application given a number of issues requiring further submissions. Mr. Kelly advised the Board that he is satisfied that the water supply, sewer and drainage issues raised in his report could be resolved through consultation with the applicant's professionals. After further discussion, a motion was made by Mayor Goldberg, seconded by Mr. DeAugustines and approved by a vote of 6-1 to grant the application for site plan approval subject to preparation of a memorializing resolution by the Board attorney incorporating the conditions set forth in the Board engineer's letter report dated December 16, 2011 as well as the conditions set forth on the record during the public hearings. Since the applicant must return to the Passaic County Planning Board for further review, the memorializing resolution will be considered at the February work session meeting.

## NEW BUSINESS

1. After brief discussion, the Board unanimously approved a motion to adopt a schedule of meetings for the calendar year 2012. Mr. Monaghan will provide a copy to the Borough Clerk for posting on the Borough bulletin board and will make arrangements for publication of the schedule in the Hawthorne Press.

## PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:50 P.M.

Respectfully submitted,

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