

Hawthorne Planning Board Minutes of April, 2017 Work Session

The April 4, 2017 meeting of the Hawthorne Planning Board was called to order at 7:30 P.M. by Chairman Garner. After recital of the Pledge of Allegiance, Board Secretary William A. Monaghan, III called the roll. All members and alternates except Mr. Kowalski and Mrs. Zakur were present as well as Board engineer Michael J. Kelly, P.E. and Board attorney/secretary William A. Monaghan, III, Esq. Chairman Garner announced that notice of the meeting had been published and posted in accordance with the Open Public Meetings Act.

CORRESPONDENCE – None

CERTIFICATE OF COMPLIANCE PLAN REVIEW – None

OLD BUSINESS – None

NEW BUSINESS

1. With regard to the application of **Partners Construction Services Corp.**, Darryl Siss, Esq. appeared as attorney for the applicant. Mr. Monaghan noted the receipt of a written report dated March 13, 2017 from Board engineer Michael J. Kelly as well as proof of service and publication of notice as required and proof of payment of municipal taxes. Mr. Siss made a brief opening statement giving an overview of the application. He indicated that the applicant is seeking site plan approval for the addition of a loading dock to the existing industrial building on the premises. Sideyard and rearyard variances are also required for approval of the application.

He called as his first witness Adnan Khan, the applicant's engineer. After being sworn, he testified that he is a licensed professional engineer in the State of New Jersey. He has bachelor's and master's degrees in engineering with 25 years experience in practice. He has appeared before numerous boards as well as in court proceedings as an expert witness. Based on his education, professional license and his experience, he was offered and accepted as an expert witness on behalf of the applicant. He indicated that he prepared the engineering plans submitted in support of the application. He reviewed the zoning requirements and indicated that construction of the loading dock would result in a sideyard setback of five feet where ten feet is required. The existing rearyard setback is five feet and the proposed construction would extend the non-conformity. Existing lot coverage of 99.13% where 50% is permitted would remain without change. Mr. Khan calculated the parking requirement as nine spaces and ten spaces are proposed on the plan. One van accessible handicapped space will be provided.

The proposed loading dock would consist of a concrete ramp with a trench drain. The property adjacent to the proposed five foot sideyard next to the loading dock is a railroad embankment. The proposed construction would not change traffic circulation on the site or truck access to the premises. Mr. Khan offered as Exhibit A-1 a soil movement and traffic circulation plan. Based on the amount of proposed

soil movement, the plan can be reviewed by the Construction Official. In response to a question from Mr. Kelly, Mr. Khan indicated that a temporary construction easement from the adjoining railroad would be required for the construction of the proposed retaining wall. Mr. Khan also stated that there are no wetlands on the site and that the applicant can address all comments in Mr. Kelly's report.

Mr. Kelly advised the Board that he had no objections to the applicant's waiver requests. He suggested that the Board retain jurisdiction to review the applicant's lighting plan for a period of six months as a condition of approval.

Mr. Siss called as his next witness Joseph Pizzi, president of the applicant. After being sworn, he testified that the applicant proposes to occupy the premises as a warehouse and office for its business of supermarket maintenance and repair. One twenty-six foot truck and two service vans would be parked at the premises. Deliveries to the premises would be primarily via Federal Express and UPS with occasional tractor trailers. He indicated that the previous occupant received more frequent tractor trailer deliveries. The applicant has six full time employees but only one employee would work at the site. No products or equipment would be stored outdoors and no manufacturing would take place at the premises.

Mr. Siss made a brief statement regarding the basis for approval of the bulk variances including both positive and negative criteria under the MLUL.

Mr. Siss then concluded his presentation on behalf of the applicant. Mr. Monaghan noted the receipt of a report from the Police Department indicating no objections to the application.

The hearing was then opened for public comment without response. Brief discussion then took place during which Board members noted that except for the relatively minor addition of the loading dock, the application could have been reviewed as a certificate of compliance. A motion was then made by Mayor Goldberg, seconded by Mr. Matthews and approved by a vote of 7-0 to grant the application for site plan approval and bulk variances subject to preparation of a memorializing resolution by the Board attorney with conditions as set forth on the record.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:10.

Respectfully submitted,

William A. Monaghan, III
Board Attorney/Secretary