

**AN APPLICATION FOR SITE PLAN REVIEW, TENANT**  
**APPROVAL PURSUANT TO ORDINANCE 77-2**  
**WALDWICK, NEW JERSEY**  
**BLOCK 117, LOTS 1.01/1.0124, ZONE I, VC-2, INDUSTRIAL-VILLAGE**  
**COMMERCIAL DISTRICT**  
**ADEN RAIL TERMINAL, LLC, t/a ADEN AGGREGATES –WALDWICK YARD**

**WHEREAS**, an application has been made by Aden Rail Terminal, LLC, t/a Aden-Aggregates-Waldwick Yard (Colin M. Quinn, Esq., appearing), located at 574 State Rte., 416, P.O.Box 217, Montgomery, New York hereinafter referred to as “Aden,” or the “applicant,” for tenant approval, site plan review, for the occupancy by the tenant of leased premises consisting of approximately Forty-Eight Thousand (48,000) square feet, being the entirety of the premises leased to C. M. & Son Trucking, Inc., by the owner thereof, New Jersey Transit Corporation, pursuant to an original lease dated August 12, 2019, subsequently renewed annually and by agreement dated June 24, 2025 was assigned by the tenant, C. M. & Son Trucking, Inc., to the applicant, effective July 1, 2025, said leasehold being shown as Block 117, Lots 1.01/1.0124 on the tax map of the Borough of Waldwick, commonly known as 40 Hewson Avenue; and

**WHEREAS**, applicant proposes to use the leased premises, as a site for storage and distribution of bulk materials, including, but not limited to salt, gravel, sand, liquid brine and magnesium sulfate for its existing commercial bulk materials business and consistent with the existing use of the premises in question; and

**WHEREAS**, the applicant expects to have up to five (5) employees; and

**WHEREAS**, the applicant proposes to operate this business not more than a maximum of from 7:00 AM to 5:00 PM, Monday through Saturday and closed Sunday, six (6) days per week; and

**WHEREAS**, the applicant testified that the premises has four (4) off-street parking spaces and one (1) handicap parking space for the use of this applicant; and

**WHEREAS**, the Planning Board of the Borough of Waldwick has entertained this application at its formal sessions on September 3, 2025 and October 1, 2025 and has heard the testimony of the applicant, by and through Mr. Nicholas Fitzpatrick, the owner and Mr. Theo Gastonis, also of the

applicant company, reviewed exhibits submitted by the applicant and received the advice of its professionals on this application; and

**NOW, THEREFORE,** the Planning Board of the Borough of Waldwick makes the following findings:

1. The proposed use is a permitted use within the existing zoning ordinance and in fact, has existed on these premises for many years, uninterrupted.
2. The applicant proposes to use the leased premises as a site for storage and distribution of bulk materials, including, but not limited to salt, gravel, sand, liquid brine and magnesium sulfate for its existing commercial bulk materials business and consistent with the existing use of the premises in question, which type of business has been operating on this site for decades. Applicant further testified that the proposed tenant will be operating the business handling less material than the present operator, thus reducing the intensity of the use.
3. The applicant has provided information advising this board that the premises has four (4) off-street parking spaces, plus one (1) handicap space, all of which are for the use of this applicant. The standard off street parking requirements are the same for both warehouse and industrial use, being one (1) parking space for every four hundred (400) square feet of floor space. Since this business is a bulk storage yard, the entire yard must be considered as the business premises. Under that calculation, the Forty-Eight Thousand (48,000) square feet of space would require one hundred twenty (120) parking spaces, where a total of five (5) parking spaces (including the handicap space) are available. The testimony revealed that this use requires virtually no parking, other than for employees. This is a storage facility and distribution center for use that has no public customers, thus no customer parking is needed. Materials are delivered to the site either by truck or by rail, so no long term parking of delivery vehicles will occur on site and trucks for materials leaving the site, will generally be smaller dump trucks. Therefore, although our requirements would mandate many more spaces than the five (5)

provided, given the fact that the testimony shows that the industrial nature of the surrounding properties, the requirements of this particular use and the lack of impact which this property has upon any other type of zone, it appears that even though relative to the technical requirements the deficiency in the number of spaces is substantial, nevertheless, the actual off-street parking requirements of this particular use will be satisfied by the available parking spaces, subject to the conditions set forth below. Finally, it is noted that due to the large size of the premises in question and the fact that there are few, if any structures presently on the property, with no additional structures planned, adding additional parking, could be easily accomplished, if needed in the future.

4. All outstanding taxes on the subject premises have been paid as of the date of the public hearing.

5. It is noted that the applicant intends to have a maximum of five (5) employees, present on the site at any given time.

6. The few physical modifications proposed for the premises by the applicant are minor with no structural alterations being contemplated and the bulk of any other changes being in the nature of paint, signage and decoration. In particular, it is noted that the applicant testified that the railroad tie wall has either been or shall be painted white, the site is being or has been paved, a new sign, complying with the Borough's sign ordinance, will be installed, as well as signage for within the site, as well as removal of the existing brine tanks and salt handling equipment.

7. There do not appear to be any extraordinary features of the applicant's business, including by way of example, but not by way of limitation, the storage of extraordinarily hazardous material, beyond gasoline for landscaping machines, or any type of equipment or unusual on-site production of products on the premises, which would result in the Board imposing other additional conditions except as may be noted below. It is specifically noted that any outdoor storage of materials, particularly, commercial vehicles and various structural items, shall at all times, be done within fenced and screened areas, where they are generally less visible from the

street or from contiguous residential properties.

8. The applicant testified that operations shall be in compliance with borough ordinances with respect to limitations on times and days of operations, as well as noise limitations and that despite the fact that railroad trains and tractor-trailers may arrive at various times, all unloading and loading shall take place during stated business hours.

9. Further, the applicant testified that all operations shall be in compliance with all municipal and state ordinances, rules and statutes, and specifically with both the Federal and State Departments of Environmental Protection with respect to containment on site.

10. The floor was opened to comments from and on behalf of members of the public, however, there being none, the application was closed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Waldwick Planning Board that the application of Aden Rail Terminal, LLC, t/a Aden-Aggregates-Waldwick Yard (Colin M. Quinn, Esq., appearing), for tenant approval, site plan review, for the occupancy by the tenant of leased premises consisting of approximately Forty-Eight Thousand (48,000) square feet, being the entirety of the premises previously C. M. & Son Trucking, Inc., by the owner thereof, New Jersey Transit Corporation, as more particularly identified previously, said premises being located at and commonly known as 40 Hewson Avenue, is hereby approved subject to the following conditions:

1. The applicant's business shall be limited to that described in the application, exhibits and testimony and to the number of employees described in the application and testimony, all of which are hereby incorporated into this Resolution by reference thereto.

2. The applicant shall pay all required fees and costs for issuance of Certificates of Occupancy, including professional fees, if required.

3. The applicant shall pay all required fees and costs associated with review by the Waldwick Planning Board and for issuance of this Resolution of Approval, including professional fees, if required.

4. The owner of the property shall provide proof that all taxes and assessments have been paid, if such proof has not already been provided to the Board.
5. Any and all improvements, renovations, construction or development of the leased premises shall be completed in accordance with the International Building Code of the State of New Jersey. Failure to comply with the International Building Code of the State of New Jersey shall require the applicant to reappear at the Planning Board for the Board's consideration of revocation of this approval.
6. Applicant's sign or signs shall be in accordance with the Borough's Zoning Ordinance and there are no neon signs permitted, and, if permitted by the Zoning Ordinance, the maximum size of such sign shall be limited to that set forth in the applicant's application or such signage as is permitted by the Zoning Ordinance, which ever shall be the smaller.
7. The applicant shall operate this business not more than from 7:00 AM to 5:00 PM, Monday through Saturday and closed Sunday, six (6) days per week.
8. The applicant shall comply with all requirements of any and all health and/or occupational safety, environmental protection, or other governmental departments including, but not limited to, the Borough's Fire Prevention Bureau, properly having jurisdiction over these premises or the subject matter of this use, including any and all state license requirements.
9. No additional professional, business or other tenant shall establish or engage in any profession or business within the demised premises without first coming before the Waldwick Planning Board for tenant approval, in the same manner as the instant applicant.
10. The applicant shall at all times maintain no less than the five (5) parking spaces (including one handicap parking space) testified to for the use of this business.
11. As was testified to, the applicant shall schedule delivery of materials and unloading of same to occur during the business hours stated above.
12. The applicant shall comply in all ways with all requirements imposed upon it by the instant resolution and with all terms, conditions, limitations and requirements contained herein,

as well as all prior resolutions of this board and all representations made in its present application filed with the Board, and with all representations made by any and all parties on the record at this Board's public meetings on September 3, 2025 and October 1, 2025, each and every one of which are hereby incorporated herein by reference, as if set forth herein at length and each of which shall be considered to be a material part hereof.

13. Failure to comply with any enumerated condition of this approval, shall require the applicant to reappear at the Planning Board for the Board's consideration of revocation of this approval.

DATED: October 1, 2025

  
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John Velvoort, Vice Chairman  
WALDWICK PLANNING BOARD