

Hawthorne Planning Board Minutes of December, 2009 Regular Meeting

The December, 2009 regular meeting of the Hawthorne Planning Board was called to order on December 15, 2009 at 7:37 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 Vice Chairman Lane, Mayor Goldberg and Mr. DeAugustines 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.

MINUTES

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

CORRESPONDENCE

1. Mr. Monaghan reported the receipt of a copy of a letter dated November 20, 2009 sent by Merck & Co., Inc. to NJDEP enclosing a biennial groundwater monitoring report for the former Calgon site on Wagaraw Road. The letter indicates that groundwater quality at the site continues to improve based on remedial actions approved by NJDEP.

BILLS

1. A motion was made by Mr. Matthews, seconded by Mr. Ruta, and approved by a vote of 6-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 986154 in the amount of \$33.54.

RESOLUTIONS

1. With regard to the application of **A.W. Peller & Associates, Inc.**, a motion was made by Mr. Matthews, seconded by Mr. Lucibello and approved by a vote of 4-0 to approve a resolution memorializing the action taken by the Board at its meeting on November 24, 2009.
2. With regard to the application of **Viper Communications**, a motion was made by Mr. Matthews, seconded by Mr. Lucibello and approved by a vote of 4-0 to approve a resolution memorializing the action taken by the Board at its meeting on November 24, 2009.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Tuscany**, Valter Cianni, owner, Joseph Cala, general manager and Salvatore Burgio, property owner, appeared on behalf of the applicant. After being sworn, they testified that the applicant proposes to lease the entire first floor of the subject premises for the operation of an Italian/continental restaurant serving lunch and dinner. The applicant recently received approval for a similar restaurant with a different name utilizing only a portion of the first floor of the premises. Approximately 10 employees would be required for the operation of the restaurant which would utilize the existing kitchen. Six on-site parking spaces are available and no exterior changes to the premises are proposed. A motion was then made by Mr. Ruta, seconded by Mr. Matthews and approved by a vote of 6-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney.

OLD BUSINESS

1. Mr. Monaghan reported the receipt of a letter dated December 9, 2009 from Robert Taylor of JTR Family Realty, LLC in response to Mr. Monaghan's previous correspondence. The letter requests a six month to one year extension of the temporary Certificate of Compliance previously granted. Based on questions by Board members regarding references in Mr. Taylor's letter to well testing and NJDEP involvement, the Board directed Mr. Monaghan to request Mr. Taylor's appearance at the January 19, 2010 Board meeting.

NEW BUSINESS

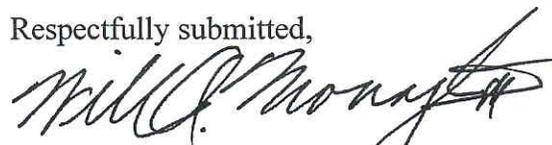
1. After brief discussion, the Board unanimously approved a motion to adopt a schedule of meetings for the calendar year 2010. Mr. Monaghan will provide a copy to the Borough Clerk for posting on the Borough bulletin board and will make arrangements for publication of the schedule in the Hawthorne Press.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:10 P.M.

Respectfully submitted,



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