

Hawthorne Planning Board Minutes of May, 2013 Work Session

The May 7, 2013 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. Ruta were present as well as 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

1. Mr. Monaghan reported the receipt of a letter dated April 26, 2013 from Kathryn J. Razin, Esq., attorney for 204 Wagaraw Road, LLC withdrawing its application which had previously been approved by the Board.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Angels Care Medical Transport**, Arben Abdulai, owner, and Marco Scaba, representative of the property owner, appeared on behalf of the applicant. Giuseppe Randazzo appeared as attorney for the applicant. After being sworn, they testified that the applicant proposes to lease a portion of the subject premises as an office and garage for a non-emergency medical transport business. Ten vehicles would be parked at the site. Three employees would work in the office and a total of twelve employees would be required for the operation of the business. Due to the nature of the services provided, the business is required to be open on a 24-hour basis. No exterior changes to the premises are proposed. A motion was then made by Mayor Goldberg, seconded by Ms. DiMattia and approved by a vote of 7-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney.
2. With regard to the application of **Janey Mac's**, Lois Lindo, owner, appeared on behalf of the applicant. After being sworn, she testified that the applicant proposes to lease the subject premises for the operation of an upscale restaurant and lounge with occasional entertainment by a jazz band or DJ. The site has been used as a restaurant for many years. No exterior changes are proposed except the elimination of a shed and outdoor dining which were part of a previous approval. The applicant will utilize the same floor plan as the prior occupant. Since the applicant has not yet completed the transfer of the liquor license, the hours of operation will be limited to 11:00 P.M. closing. A motion was then made by Mayor Goldberg, seconded by Mr. DeAugustines and approved by a vote of 7-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney with the conditions that until the applicant obtains a liquor license, the restaurant will close no later than 11:00 P.M. and the applicant will return to the Board to revise the hours of operation.

3. With regard to the application of **Certa Pro Painters**, Philip Dell'Aglio, owner, and Frederick Roughgarden, property owner, appeared on behalf of the applicant. After being sworn, they testified that the applicant proposes to lease a portion of the subject premises as an office and storage for an interior/exterior painting contractor. Two rooms in the building would be occupied and one employee would work in the office. Two trucks would be parked overnight on the premises and ladders would be stored in the garage and in the rear of the property. No exterior changes to the premises are proposed. A motion was then made by Mayor Goldberg, seconded by Vice Chairman Lucibello and approved by a vote of 7-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney.

OLD BUSINESS

1. With regard to the application of **US Elite LLC & CrossFit Soar**, Steve Keefer, one of the principals, appeared on behalf of the applicant to continue the hearing which was adjourned at the April 16, 2013 Board meeting pending the closing on the purchase of the subject property. Mr. Keefer advised the Board that although a letter had been submitted to the Board by the contract purchaser of the property, the closing had not occurred as anticipated. Mr. Monaghan reported the receipt of a copy of a memo from Police Chief Richard McAuliffe to Mayor Goldberg regarding regulations governing the sale of firearms. Mr. Monaghan offered his opinion that, based on his review of applicable Borough zoning ordinances, the decision regarding the permissibility of firearms sales in the I-1 Zone should be made by the Board of Adjustment. The Board concurred and directed Mr. Monaghan to contact the Board of Adjustment attorney and request that his Board provide an interpretation on the zoning issue. After further discussion, a motion was made by Mayor Goldberg, seconded by Mr. DeAugustines and approved by a vote of 5-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney with the condition that no firearms sales will be permitted pending resolution of the zoning issue and receipt of all applicable licenses by the applicant.
2. With regard to the application of **Superior Home Construction Corp.**, Deborah A. Deffaa, owner of the subject property, appeared at the request of the Board to review and discuss parking at the site. After being sworn, Ms. Deffaa indicated that the applicant had advised her that only two employees would work at the premises. She is willing to allocate four spaces to the applicant, but if the Board determines that additional spaces are required, she will withdraw her offer to lease to this applicant. Mr. Monaghan acknowledged the receipt of a revised parking diagram from Ms. Deffaa as previously requested by the Board. Ms. Deffaa advised the Board that she would consult with the applicant to review the proposed use and parking requirements. If acceptable to her, she will direct the applicant to return to the Board for further review.

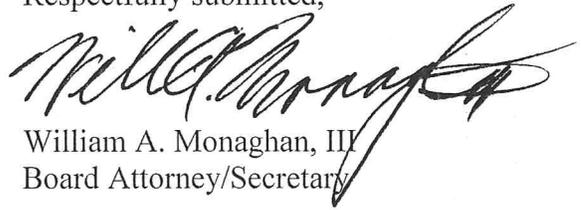
NEW BUSINESS – None

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:55 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William A. Monaghan, III". The signature is written in a cursive, flowing style with some loops and flourishes.

William A. Monaghan, III
Board Attorney/Secretary