

Hawthorne Planning Board Minutes of March, 2011 Regular Meeting

The March, 2011 regular meeting of the Hawthorne Planning Board was called to order on March 15, 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 Mr. DeAugustines and Mr. Ruta 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 Mayor Goldberg and seconded by Vice Chairman Lucibello, the Board approved the minutes of the February regular meeting and March work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Matthews, seconded by Mr. Kowalski, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 987136 in the amount of \$25.74.

RESOLUTIONS

1. With regard to the application of **Anthony Franco's Pizzeria & Restaurant**, a motion was made by Mr. Matthews, seconded by Mr. Kowalski and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its March 1, 2011 meeting.
2. With regard to the application of **Signature Kitchens, Inc.**, a motion was made by Mayor Goldberg, seconded by Mr. Matthews and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its March 1, 2011 meeting.
3. With regard to the application of **T.I.M.E. Visual Group**, a motion was made by Mayor Goldberg, seconded by Ms. DiMattia and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its March 1, 2011 meeting.
4. With regard to the application of **Lakeview Farms, Inc.**, Mayor Goldberg advised the Board that he had recently been made aware of a situation involving another property in the Borough owned by the applicant which is not in compliance with

conditions of site plan approval previously granted by the Board. Since the approval of the present application also includes conditions, Mayor Goldberg expressed concern regarding the applicant's willingness to comply based on the conditions at the applicant's other property. After discussion regarding the postponement of approval of the memorializing resolution, a motion was made, seconded and approved by a vote of 3-1 to reconsider the prior approval granted to the applicant. A second motion was then made, seconded and approved by a vote of 4-0 to table the application pending a response from the applicant regarding the deficiencies at the other property.

CERTIFICATE OF COMPLIANCE PLAN REVIEW – None

OLD BUSINESS

1. With regard to the application of **The Cornett Family Trust**, Mr. Monaghan recused himself as attorney for the Board and Borough attorney Michael J. Pasquale acted as attorney for this application. Scott Piekarsky, Esq. appeared as attorney for the applicant. He advised the Board that an issue had arisen regarding the dedication/ownership of the portion of Manchester Avenue involved in the application. He hopes to be able to resolve the issue which may require the filing of a quiet title action in the Superior Court. He therefore requested an adjournment of the hearing on the application for a period of 90 days. Mayor Goldberg informed the Board that he has engaged in discussions with Mayor George of North Haledon regarding an interlocal services agreement required for approval of the subdivision and that progress has been made toward an agreement. The hearing was opened for public comment. Burt Alkes, 38 Hillcrest Avenue, Hawthorne, expressed concerns regarding the effect of construction of the proposed new home on properties below the premises in question. A motion was then made, seconded and unanimously approved to grant the adjournment request for 90 days.
2. With regard to the application of **Estate of John Englehardt**, Ralph E. Faasse, Esq. appeared as attorney for the applicant. Mr. Faasse indicated that he had submitted a letter dated March 2, 2011 requesting that the Board grant final subdivision approval based on the applicant's compliance with the conditions of preliminary approval. Mr. Monaghan advised the Board of the receipt of a report dated February 28, 2011 from Board engineer Michael Kelly confirming the applicant's compliance with the conditions of preliminary approval and his satisfactory review of the Final Subdivision Plat. Mr. Kelly advised the Board that he would take no exception to the granting of final subdivision approval and would obtain the appropriate signature from his office on the mylar copy of the final plat. A motion was then made, seconded and approved by a vote of 7-0 to grant the request for final subdivision approval.
3. With regard to **Eric's Auto Sales**, Eric Gensinger, owner, appeared on behalf of the applicant. Mr. Monaghan advised the Board that the applicant had paid the required connection fee for the sewer line and had obtained the required permits for the water

and sewer connections. After being sworn, Mr. Gensinger indicated that weather conditions had delayed his efforts to comply with the terms of his temporary approval. He requested additional time to complete the necessary work and assured the Board of his intention to meet all of the conditions imposed by the Board. A motion was then made, seconded and unanimously approved to extend the temporary certificate of compliance until May 16, 2011.

NEW BUSINESS

1. The Board conducted a review of proposed Ordinance 2037-11 in accordance with the requirements of the Municipal Land Use Law. The proposed ordinance, introduced at the March 2, 2011 Council meeting, and scheduled for final adoption on April 6, 2011, would re-zone portions of Lafayette Avenue from O-1, Offices, Professional and Institutional, to B-1, Neighborhood Commercial. Mayor Goldberg explained that the purpose of the proposed ordinance is to assist residential owners in the affected areas with refinances of their mortgages and to allow the expansion of commercial uses together with residential uses along the Lafayette Avenue corridor. A motion was made by Vice Chairman Lucibello, seconded by Mr. Kowalski and approved by a vote of 6-0 with one abstention, to recommend the adoption of the proposed ordinance as drafted and to direct the Board secretary to send a letter to the Borough Council regarding the Board's recommendation.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:20 P.M.

Respectfully submitted,

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