

## **Hawthorne Planning Board Minutes of September, 2011 Work Session**

The September 6, 2011 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 Vice Chairman Lucibello and Mrs. Forshay 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**

1. Mr. Monaghan reported the receipt of a notice dated August 11, 2011 from the Passaic County Planning Board announcing a public hearing to be held on October 13, 2011 at the office of the Passaic County Planning Department, 930 Riverview Drive, Suite 250, Totowa, New Jersey regarding the Morris Canal Greenway Feasibility Study and to present the annual report on the Passaic County Corridor Enhancement Program. Mayor Goldberg reported that the Borough is actively pursuing the use of funds from the program for traffic signal improvements at the intersection of Wagaraw Road and Lincoln Avenue.

### **CERTIFICATE OF COMPLIANCE PLAN REVIEW**

1. With regard to the application of **One Source Energy Solutions** for the premises at 289 Wagaraw Road, Mr. Monaghan reported the receipt of a letter from the applicant withdrawing the application based on flooding conditions at the premises.
2. With regard to the application of **Nissan of Hawthorne, LLC**, David Carmel, Esq. appeared as attorney for the applicant together with Bruce D. Rigg, P.E., the applicant's engineer, Edward A. Easse, R.A., the applicant's architect and James D. Demetrakis, one of the partners in the applicant. Mr. Carmel advised the Board that the applicant is the contract purchaser of the subject property, formerly occupied by the Sabor Restaurant. The site is across Goffle Road from the applicant's existing facility. The applicant proposes to convert the subject premises to a new car showroom while maintaining the existing facility for used car sales. Mr. Carmel called as his first witness Bruce D. Rigg, P.E. After being sworn, he described the three sheet certificate of compliance plan which he prepared on behalf of the applicant. The property is located in the I-2 Zone and the proposed use is permitted pursuant to the recently enacted Ordinance No. 2042-11. Mr. Rigg advised the Board that other than reconfiguring the entrance, the footprint of the existing building will be unchanged. Nineteen parking spaces would be provided for customers, with a new vehicle storage area in the rear of the property. No changes to the existing paved areas are proposed. Since there will be no increase in impervious coverage, no changes to the existing drainage system are proposed. Ingress and egress from the site will remain unchanged with utilization of the

existing two way driveway. Six employees would be present on the site at a given time. No free-standing signs are proposed. Mr. Rigg indicated that the proposed lighting would not splash over onto adjoining properties.

In response to Mr. Rigg's testimony, Board engineer Michael Kelly had no adverse comments regarding the proposed lighting and drainage.

Mr. Carmel called as his next witness Edward A. Easse, the applicant's architect. After being sworn, he testified that he prepared the architectural plans which propose a new building façade using the Nissan corporate logo with a gray and red motif, a glass and steel showroom, elimination of the portico at the existing entrance, and a new vestibule. The interior design is a new floor plan for a new car showroom with three or four vehicles in the showroom. He offered his opinion that the proposed use would be less intense than the restaurant which previously occupied the site.

Discussion took place regarding the necessity for formal site plan review. The consensus of the Board was that based on nature of the proposed changes and the quality of the plans submitted, site plan review was not required.

Mr. Carmel called as his next witness James D. Demetrakis. After being sworn, he testified that he is one of the partners of the applicant. In response to a question from the Board, he indicated that the applicant intends to continue storing vehicles at a facility on Ethel Avenue. He agreed to review the lighting at the applicant's used car facility across Goffle Road from the subject site. He also represented that the only outside storage at the new facility will be new vehicles. He was also advised that the new signage will require an application for review and compliance with applicable Borough ordinances. The hearing was opened for public comment. James Dusenberry expressed concern about the proposed lighting for the new facility as well as the lights on the applicant's used car facility. After brief discussion, a motion was then made by Mr. Ruta, 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.

## **OLD BUSINESS**

1. With regard to the application of **D.S. Meyer Enterprises, L.L.C.**, Edward W. Miller, vice president, appeared on behalf of the applicant in response to a letter from the Board regarding employee parking at the subject premises. Board members indicated to Mr. Miller that although the applicant had represented to the Board at the hearing on the application that sufficient on-site parking was available for the applicant's employees, observation at the site revealed that the applicant's employees were utilizing street parking. Mr. Miller advised the Board that corrective action will be taken to move vehicles and equipment from the premises so that employees can park on the site. A motion was then made, seconded and unanimously approved to table consideration of the memorializing resolution until the September regular Board meeting.

2. With regard to the application of **Fulvio Grosso**, Patrick DeMarco, Esq. appeared as attorney for the applicant together with Bruce D. Rigg, the applicant's engineer. Mr. Monaghan noted the receipt of a letter dated August 22, 2011 from Board engineer Michael Kelly indicating his review and approval of the Final Subdivision Plat. Mr. Rigg advised the Board that he anticipated signature of the Final Plat by the Passaic County Planning Board the following day. Mr. Kelly indicated that his office had signed the Plat and he had no objection to signature of the Plat by the Board chairman and secretary. Mr. Monaghan also noted the receipt of a copy of a letter from the Borough Tax Assessor requesting that the lot numbers on the Plat be changed to Lots 2 and 2.01. 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 final subdivision approval subject to correction of the lot numbers in accordance with the Tax Assessor's letter.

**NEW BUSINESS** – None

The meeting was then opened for public comment. Mr. Matthews advised the Board of the receipt of complaints regarding the use of a recreational vehicle at the Realty Acquisitions property on Ninth Avenue by Servo-Pro, one of the tenants at the site. The issue will be referred to the Building Department for possible enforcement action. Mr. Monaghan was also requested to review the status of the landscaper who was given temporary approval to operate at the Ninth Avenue site.

The meeting was then adjourned at 9:05 P.M.

Respectfully submitted,

William A. Monaghan, III  
Board Attorney/Secretary