

**Hawthorne Planning Board
Minutes of September, 2009 Regular Meeting**

The September, 2009 regular meeting of the Hawthorne Planning Board was called to order on September 15, 2009 at 7:34 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, Mr. Ruta and Mr. Kowalski 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 Ms. DiMattia and seconded by Mr. Matthews, the Board approved the minutes of the July regular meeting, August regular meeting and September work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Lucibello, seconded by Vice Chairman Lane, and approved by a vote of 6-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 986004 in the amount of \$33.54.

RESOLUTIONS

1. With regard to the applications of **Charlie's Famous Pizza, Promise Community Development Center, RPM Auto Service and Three Wave Music, Inc.**, a motion was made by Mayor Goldberg, seconded by Mr. Matthews and approved by a vote of 5-0 to approve resolutions memorializing the actions taken by the Board at its meeting on September 1, 2009.
2. With regard to the application of **T.R.S. Landscaping**, a motion was made by Mr. Matthews, seconded by Vice Chairman Lane and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its meeting on September 1, 2009.
3. With regard to the application of **Metro PCS New York, L.L.C.**, a motion was made by Vice Chairman Lane, seconded by Mr. Matthews and approved by a vote of 5-0 to

approve a resolution memorializing the action taken by the Board at its meeting on July 21, 2009.

4. With regard to the application of **New York SMSA Limited Partnership**, a motion was made by Vice Chairman Lane, seconded by Mr. Matthews and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its meeting on July 21, 2009.
5. With regard to the application of **Ulma Form Works, Inc.**, a motion was made by Mayor Goldberg, seconded by Mr. Lucibello and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its meeting on August 4, 2009.

CERTIFICATE OF COMPLIANCE PLAN REVIEW – None

OLD BUSINESS – None

NEW BUSINESS

1. With regard to the soil movement application filed by **Arcadis US, Inc.**, Frederick Roughgarden, Esq. appeared as attorney for Arcadis together with John Persico and Jeremy Cuccuini, representatives of Arcadis. Mr. Roughgarden advised the Board that the property in question, Lot 7.02 in Block 12, commonly known as 150 Wagaraw Road, was previously owned by United Technologies Corp. (UTC). The property was subsequently conveyed to the current owner, BASF, although UTC remains responsible for ongoing environmental remediation activities under an agreement with NJDEP. Arcadis US, Inc. was hired by UTC with the consent of BASF to conduct the environmental activities. After questions raised by Board members regarding the identity of the applicant, based on the information supplied by Arcadis, Mr. Monaghan advised that Arcadis would be considered the applicant although the soil movement permit if issued would be in the name of BASF as the owner of the property. Mr. Monaghan noted the receipt of a letter with attachments dated July 13, 2009 from Arcadis to Board engineer Michael Kelly as well as Mr. Kelly's report to the Board dated July 16, 2009. Mr. Monaghan also advised the Board that he had received proof of service and publication as required by the soil moving ordinance.

After being sworn, Mr. Persico and Mr. Cuccuini acknowledged that work on the current project had been commenced during the summer of 2008 without compliance with the requirements of the soil moving ordinance. They indicated that although all work had been performed under the jurisdiction of NJDEP, they were unaware of the need for compliance with the municipal ordinance until notified by local authorities. Mr. Persico, a geologist employed by Arcadis, testified that the applicant proposes to remove impacted soil and backfill to a lower grade than originally existed. He indicated

that a previous disagreement between BASF and UTC has now been resolved by BASF's agreement to allow Arcadis to backfill to the grades approved by NJDEP for the 2007 Stream Encroachment Permit. Mr. Persico stated that of the total of 11,000 cubic yards of fill to be imported to the site, 6,300 cubic yards have been completed with 4,700 cubic yards remaining to be imported. Approximately 250-300 truck loads of soil will be required. No additional soil will be exported from the site. Mr. Persico indicated that the applicant has received approval from the Hudson-Essex-Passaic Soil Conservation District for its soil erosion and sediment control plan. The hearing was then opened for public comment without response.

After further discussion of conditions for the approval, a motion was made by Mayor Goldberg, seconded by Mr. Matthews and approved by a vote of 5-1 to grant the application for a soil movement permit subject to preparation of a memorializing resolution by the Board attorney with the following conditions: the applicant shall supply a copy of the written approval from the Hudson-Essex-Passaic Soil Conservation District, the applicant shall supply written notification to the Hawthorne Police Department of the proposed number of truck trips and route of travel, prior to commencement of further operations at the site, the applicant shall attend a pre-construction meeting with the Board engineer, Police Department and any other appropriate Borough officials and posting of a performance guarantee in accordance with the recommendation of the Board engineer.

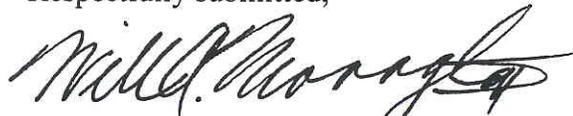
2. Vice Chairman Lane asked that the Board attorney request a review by the Construction Official of the parking of landscape vehicles at the Lukoil service station on Wagaraw Road and the parking of vehicles by Citywide Towing at the Meineke business on North 8th Street.

PUBLIC

The meeting was then opened for public comment. James Dusenberry asked about the approval given to Charlie's Famous Pizza for the relocation of his pizzeria on Lincoln Avenue

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

Respectfully submitted,



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