

**The Public Forum: Discussion #2 of the Proposed B-3/B-3A Zoning**

The second public discussion of the B-3/B-3A Proposed Zoning of the Borough of Hawthorne was held on the above date at 7:04 p.m., in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were, Council President Matthews, Council Vice President Bertollo, Councilpersons Lane, Mele, Wojtecki, and Bennett and Sinning. Also present were Mayor Goldberg, Borough Administrator Maurer, Borough Attorney Pasquale and Borough Clerk DiBella. Borough Engineer Dr. Boswell and Director of Revenue & Finance Hewitt were absent.

**STATEMENT**

Adequate notice of this special meeting has been published and posted on the Public Bulletin Board at the Municipal Building and the borough website, emailed to the Hawthorne Press, Herald News, The Record, and all persons who have requested the mailing of such notice.

**FLAG SALUTE:**

Council President Matthews invited all present to join him in the Pledge of Allegiance.

**DISCUSSION OF PROPOSED B-3/B-3A ZONING AMENDEMENTS**

**Borough Attorney Pasquale:**

Attorney Pasquale stated after we had the initial presentation for the draft ordinance, we took the comments and ideas that were made and went back to the drawing board and made some changes. Attorney Pasquale then turned the meeting to Donna Holmqvist (Joseph Burgis Associate) who will discuss the changes.

Ms. Holmqvist discussed the following changes:

Square footage requirements we moved into the bulk requirements.

Landscape – we looked at the suggestions from the Shade Tree Commission:

1<sup>st</sup> - modified the caliper spacing

2<sup>nd</sup> – Shade Tree Commission will have approval of all trees in the right of way to ensure proper maintenance can be achieved.

3<sup>rd</sup> – Corrected their error on not including Wagaraw Road with landscaping requirements.

With suggestion/comments from the Environmental Commission, she stated they added section G, page 7 Green Infrastructure which states:

1. All development shall be in accordance with the regulations set forth in the Borough's Storm water Management Ordinance (Chapter 437). Site design is encouraged to incorporate green design elements to achieve the following goals: reduce storm water volume, minimize impervious coverage, decrease and delay peak discharge, reduce pollution and recharge groundwater.

2. Various design elements may be incorporated into site design with the following specifically low impact development techniques encouraged: rain garden, bio-infiltration planters, infiltration basins, vegetated swales and pervious paving.

Ms. Holmqvist stated they added another new section for Outdoor Dining which is on pages 7, 8 & 9. She stated this is the conclusion of the revised ordinance and then she turned the meeting over to the public for comments:

Council President Matthews stated they had some comments that were discussed at our most recent ordinance meeting which is not incorporated into this draft. Attorney Pasquale stated there is a final draft, the one Council President you have before you is not the final. Council President then asked Attorney Pasquale to clarify the changes. Attorney Pasquale stated on the 1<sup>st</sup> page in the title it read “To create two new business districts as overlay business district zoning, which is incorrect. It’s an overlay on Wagaraw Road; however its new zoning on the north end of Goffle Road and it’s an overlay on the south end of Goffle Road. There were typographical errors and one other significant change on section 11 regarding outdoor dining; would require outdoor dining with waiter/waitress service only.

Councilman Wojtecki questioned whether the no vending machine of any kind are permitted on the exterior of any building operating an outdoor dining area/sidewalk café is true for the existing facility today. Attorney stated we currently do not have any regulations on the books so far about outdoor dining this is the first the Borough has regulated. He added anyone who currently has outdoor dining has gotten a use variance and those establishments do not have vending machines outside.

### **PUBLIC COMMENT**

Council President Matthews opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand to be recognized, come forward to the microphone state your name and address and sign the sheet for the record.

#### **Margaret Scarpelli - 50 Rock Road**

Ms. Scarpelli regarding the noise ordinance, she questioned if a restaurant is open after 11pm, do they need to stop the music by 11pm. Mayor responded yes. Councilman Lane commented stating that should not allow outdoor music at all. Council President stated we will discuss at the next ordinance meeting.

#### **Ira Weiner- Represents Hawthorne deserves better**

Mr. Weiner questioned whether the repeal of the existing ordinance is being done separate. Borough Attorney stated they will be done separately, however part of the protocol is once we get the Ordinance in final form there will be an introduction of these and repeal of those ordinances. Mr. Winder asked about two issues he had written in a letter previously, one being the maximum size of the zone and the other was how to treat those zones. He stated he had suggested 25 thousand sq. ft., however the council decided on 30 thousand sq. ft. Which he stated he is fine, however, he strongly recommends including in the ordinance “Any use in the premises over 30 thousand sq. ft. is prohibited”, therefore this will make it more difficult for

someone (unless they have a compelling case) to go to the Zoning Board to change the square footage.

Rayna Laiosa – 89 Minerva Avenue

Ms. Laiosa thanked Burgis for including the Green Infrastructure section, she stated this will enhance and help us with our developments we have in town. Ms. Laiosa questioned section D lighting – she stated that in the draft you are very specific about the model #'s she questioned whether that particular model is not available what the mechanism is if we need to change. Ms. Holmqvist stated we can consider inserting other suitable lighting as determined by the Borough if there was some kind of issue; however she added the thinking behind those lights was we trying to use the prototype where there would be uniformity.

Cindy Frank – 74 6<sup>th</sup> Avenue

Ms. Frank mentioned in Section 2, #5 - it states no outdoor dining allowed. Borough Attorney stated that was one of the changes. He stated now it reads Restaurant, excluding drive thru and gave Ms. Frank the updated copy of the ordinance.

Paul Giardino – 136 Grand Ave (Chair on the Shade Tree Commission)

Mr. Giardino stated on behalf of the Shade Tree Commission, he thanked the Mayor, Council, Ordinance Committee, Borough Attorney, Administrator and the Borough Planner for hearing the concerns of the commission and acting positively to provide great standards for trees on the B3-B3A zone. It was incredible satisfying to engage with everyone here, the voices of the shade tree commission was heard. He is very proud of being part when good things can happen in local government, that people voice are not only heard, but are acted on. Mr. Giardino added on Arbor Day they are going to be planting two new trees at Jefferson School that were destroyed by Hurricane Sandy.

Joe Osborne – 112 Cedar Avenue

Ms. Osborne stated he was here tonight to thank you for the process of reaching out to everybody. The workshop you set a standard, it was an excellent meeting and he stated he like what came out of it. He stated when people are upset it is easy to fill a room; however, when people are satisfied they tend to stay home. The fact that it was a little harder to turn people out tonight reflects the product that everyone came up with shows that they are satisfied. He reiterated the statement Ira Weiner made regarding the square footage. This will make our borough have a small town feel.

Gary Bedrin 111,121 & 204 Wagaraw Road

Mr. Bedrin shared some feedback regarding the 2thousand sq. ft. on the smaller shop tents some of the folks he talked to around the country we are seeing some of the national retailers/francizes going a little smaller. He stated he is glad you include the outdoor dining, because we get a lot of requests for outdoor dining. Mr. Bedrin questioned regarding 111 Wagaraw Road (the old Rag Shop center), how that falls under the new provision. Borough Attorney responded that this is pre-existing non- conforming use therefore nothing would change unless you further sub-divide units. Mr. Bedrin then questioned the 121 Building, which is now operating as a commercial facility. Borough Attorney stated if it becomes retail it would be subject to this ordinance.

Brent Scharm – 15 Veerland Avenue

Mr. Scharm thanked the Council for the plan to preserve small town character of Hawthorne, the family orientation and the amount of effort you put into doing that. Mr. Scharm questioned the lighting – The ordinance states the source of light shall be metal halide, he would like to encourage a revision that that would be specific as LED for the energy efficiency and also so it doesn't incur the industrial look.

Gene Barbieri – 70 Rea Avenue

Mr. Barbieri stated as far as the size, if somebody did want to go smaller could they come for a variance? Council President stated they could.

Council President Matthews thanked everyone who participated in the process.

**ADJOURNMENT**

At 7:42 p.m., Council President Matthews entertained a motion to adjourn the special session. Motion moved by Councilman Lane, seconded by Council Vice President Bertollo. On roll call, all voted yes.