

Hawthorne Planning Board Minutes of January, 2008 Regular Meeting

The January, 2008 regular meeting of the Hawthorne Planning Board was called to order on January 22, 2008 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 engineer John M. Pacholek, 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 Mr. Lucibello and seconded by Mr. Matthews, the Board approved the minutes of the December work session, December regular meeting and January work session/reorganization meeting.

CORRESPONDENCE

1. Mr. Monaghan reported the receipt of a letter dated January 11, 2008 from Darryl W. Siss, Esq. on behalf of Hawthorne Discount Center regarding an application for new signs. Mr. Siss' letter indicated that his client is seeking approval for new signs to replace the Rag Shop sign previously on the building. In accordance with Mr. Siss' letter, the square footage area of the new signage would not exceed the area of the former signs. The signs would be installed on the same exterior wall with slightly different positioning because two separate signs are proposed. Mr. Monaghan indicated that Mr. Siss' letter was directed to the Planning Board because the subject business is a conditional use in the zone. After brief discussion, a motion was made, seconded and approved by a vote of 7-0 to authorize the zoning official to review the sign application and issue the necessary permit if appropriate, without the need for site plan review by the Planning Board.

BILLS

1. A motion was made by Mr. Matthews, seconded by Vice Chairman Lane, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 984431 in the amount of \$92.82.

RESOLUTIONS

1. With regard to the appointment of the Board engineer/planner, a motion was made by Vice Chairman Lane, seconded by Mr. Lucibello and approved by a vote of 6-0 to

approve a resolution memorializing the action taken by the Board at its January 8, 2008 meeting.

2. With regard to the appointment of the Board attorney/secretary, a motion was made by Mr. Lucibello, seconded by Mr. DeAugustines and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its January 8, 2008 meeting.
3. With regard to the application of **The Garner Group LLC**, a motion was made by Vice Chairman Lane, 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 January 8, 2008 meeting.
4. With regard to the application of **Jencarli Transportation Systems, LLC**, a motion was made by Mr. Lucibello, seconded by Vice Chairman Lane and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its January 8, 2008 meeting.
5. With regard to the application of **M&P Foreign Used Cars II, Inc.**, a motion was made by Mr. DeAugustines, 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 December 4, 2007 meeting.
6. With regard to the application of **William J. Sikkema**, a motion was made by Mr. DeAugustines, seconded by Mr. Lucibello and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its December 18, 2007 meeting.
7. With regard to the application of **TPG Enterprises LLC**, a motion was made by Vice Chairman Lane, 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 January 8, 2008 meeting.
8. With regard to the application of **Value Village**, a motion was made by Ms. DiMattia, seconded by Mr. Lucibello and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its December 18, 2007 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW – None

OLD BUSINESS

1. With regard to the application of **PRT Realty, L.P.**, Ralph E. Faasse, Esq. appeared as attorney for the applicant. Mr. Faasse acknowledged the receipt of a report from the Hawthorne Police Department, a stormwater management review from Dr. Pazwash of Boswell McClave and a letter report dated January 15, 2008 from the Board engineer

regarding the applicant's revised plan dated January 9, 2008. Discussion then took place regarding the possible impact on the applicant's proposal of an action taken by the governing body to authorize commencement of an eminent domain proceeding on the applicant's property known as Thomas R.O.W. South. Although Mayor Botbyl and other Board members questioned whether the hearing should proceed, Mr. Faasse argued that the applicant should be permitted to proceed since whatever action might be taken by the governing body would involve litigation over a considerable period of time. Board members also discussed the need for a traffic study as recommended by the Board engineer and Police Department. Vice Chairman Lane noted that a recent study had been submitted to the Board of Adjustment for a project on the other side of Wagaraw Road. Mr. Faasse was also questioned regarding the possible withdrawal of the tenant named by the applicant for the new building proposed for the site. He indicated that to the best of his knowledge, the tenant was still interested in occupying the building. After extended discussion, the Board agreed to allow the applicant to proceed but only with the testimony of Mr. Rigg, the applicant's engineer.

Mr. Faasse then called as his first witness Bruce D. Rigg, PE, LS, PP. After being sworn, Mr. Rigg was offered and accepted as an expert witness. He indicated that he prepared the applicant's site plan, last revised January 9, 2008. He described existing conditions at the site which he noted is located in the I-1 Zone. The applicant's proposal to demolish a portion of the existing building and construct a new, two story structure would reduce the building footprint from 32,700 square feet to 19,068 square feet. The site plan provides for 51 on-site parking spaces and 23 spaces on Thomas R.O.W. South. Mr. Rigg's parking requirement calculations are set forth on the plan and include eight employees proposed in the warehouse and fifteen off-site field mechanics to be employed by the tenant. With regard to lot coverage, Mr. Monaghan stated his opinion concurring with Mr. Rigg that no variance is required because the applicable ordinance provision does not require inclusion of all impervious surface but only building coverage.

With regard to the parking space size variance, in response to comments from Board members, Mr. Rigg agreed to modify the plan to increase the on-site spaces to 10 feet by 20 feet thereby reducing the overall number of spaces provided to 69. The Board expressed no objection to Mr. Rigg's request for two waivers from site plan requirements.

With regard to stormwater management, Mr. Rigg indicated that he can resolve all issues raised by Dr. Pazwash in his review memorandum and stated that runoff from the site will be reduced. Mr. Rigg then concluded his testimony.

The hearing was then opened for public comment without response. A motion was then made, seconded and unanimously approved to adjourn the hearing until the February 19, 2008 Board meeting.

2. With regard to the application of **J.F.W. Homes, Inc.**, Leonard Miller, Esq. appeared as attorney for the applicant. He made a brief opening statement in which he advised the

Board that the applicant is seeking approval to subdivide two existing vacant lots into three lots for the construction of three one-family homes on Mazur Place. He indicated that in response to comments by Board members at the work session, the plan has been revised to relocate the proposed residences closer to the front of the property, thereby creating front yard variances for two of the proposed lots but reducing the amount of required soil movement. As a matter of clarification, Mr. Monaghan concurred that under the applicable ordinance provision, R-1 Zone bulk requirements apply to the applicant's proposal.

Mr. Miller then called as his first witness Bruce D. Rigg, PE, LS, PP, the applicant's engineer. Mr. Monaghan administered the oath to Mr. Rigg and Mr. Pacholek, the Board engineer. Mr. Rigg was offered and accepted as an expert witness. He testified that he prepared the subdivision plat submitted on behalf of the applicant and revised as of January 7, 2008. He advised the Board that a lot area variance would be required for proposed lot 10.03 and that the proposed front yard setbacks are consistent with the setbacks of existing residences along Mazur Place. He stated that moving the houses forward would reduce the height of the required retaining walls and reduce the amount of fill required by 1700 cubic yards.

With regard to the steep slope variances, he advised the Board that the area proposed to be disturbed was the subject of previous disturbance and that the applicant's plan would actually reduce and stabilize the steep slopes on the site.

He further testified that across Mazur Place from the site in question, there are two family homes on lots smaller than those proposed by the applicant. He offered his opinion that the proposed dwellings fit the R-1 Zone criteria and would have no negative impact on the area. The benefits of the proposed plan would be reduction of the steepest slopes with reconfiguration in a better way to create some flat lawn, and reduction of runoff from the site by utilizing seepage pits and slowing the speed of runoff.

In response to comments from the Board, Mr. Rigg agreed to revise the plan to move the proposed dwelling on Lot 10.03 forward by five feet which would increase the size of the required front yard variance. In addition, the height of the proposed ten foot retaining wall would be reduced to six feet.

Board engineer John Pacholek agreed with the suggestion for reduction of the height of the retaining wall.

The hearing was then opened for public comment. Linda Missonellie asked whether the Board would require that all retaining walls be constructed before any houses are built. After discussion, the applicant agreed to construct the walls simultaneously as a condition of approval to be included in a developer's agreement which would also include possible conditions regarding Mazur Place. Mr. Monaghan will also report back to the Board regarding whether the subdivision should be classified as major or minor. The hearing was then adjourned until the February 5, 2008 Board meeting.

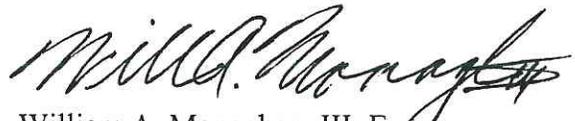
NEW BUSINESS – None

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 10:25 P.M.

Respectfully submitted,



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