

Hawthorne Planning Board Minutes of December, 2007 Work Session

The December 4, 2007 meeting of the Hawthorne Planning Board was called to order at 7:35 P.M. by Vice Chairman Lane. After recital of the Pledge of Allegiance, Board Secretary William A. Monaghan, III called the roll. All members and alternates except Chairman Garner and Mayor Botbyl were present as well as Board engineer John M. Pacholek, P.E. and Board attorney/secretary William A. Monaghan, III, Esq. Vice Chairman Lane announced that notice of the meeting had been published and posted in accordance with the Open Public Meetings Act.

1. With regard to the application of **Forever & Always Boutique**, Diana Szober, owner, appeared on behalf of the applicant together with Joseph Masiello, representative of the property owner. After being sworn, they testified that the applicant proposes to lease a portion of the subject premises for the operation of a retail store selling wedding favors and headpieces, shower favors, communion dresses and baby christening clothing and accessories. Two employees would be required for the operation of the business. Two on-site parking spaces would be allocated to the applicant by lease and no exterior changes to the premises are proposed. A motion was then made by Mr. Matthews, seconded by Mr. Lucibello 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.

2. With regard to the application of **Empire Video Plus LLC**, Janet Nadeau, owner, appeared on behalf of the applicant. After being sworn, she testified that the applicant proposes to re-locate its existing movie rental business to a smaller space in the same retail mall but expand its business to include the sale of coffee, rolls, pastries, sandwiches and newspapers. Five part-time employees would be required for the operation of the business. Thirty on-site parking spaces are available and no exterior changes to the premises are proposed. A motion was then made by Mr. Lucibello, seconded by Mr. DeAugustines 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 **M & P Foreign Used Cars II, Inc.**, Ralph E. Faasse, Esq. appeared as attorney for the applicant, together with Mohamad Allahyari, president of the applicant, Edward A. Easse, the applicant's architect and Ronald Schwartz, principal of the property owner. Mr. Monaghan then placed the witnesses and Board engineer John Pacholek under oath. Mr. Faasse called as his first witness Mohamad Allahyari, president of the applicant. He stated that the applicant is the contract purchaser of the subject premises and proposes to operate a used car dealership and

repair garage at the site, substantially identical to the present use. He advised the Board that he presently operates a similar business in Lodi. Two sales people and two mechanics would be employed by the business. Approximately sixty cars would be offered for sale on the lot as compared to approximately seventy-five cars by the present occupant. The only difference between the present and proposed businesses would be that the applicant sells primarily foreign vehicles.

Mr. Faasse called as his next witness Ronald Schwartz, principal of the present occupant and property owner. He testified that the capacity of the lot is approximately seventy-five to eighty vehicles for sale. He stated that his present business hours are slightly longer than the hours proposed by the applicant.

Mr. Faasse called as his next witness Edward A. Easse, the applicant's architect. He indicated that he is currently licensed in New Jersey as an architect and planner. He was offered and permitted to testify as an expert witness. Mr. Easse then described the changes to the premises proposed by the applicant and set forth on the plans prepared and submitted with the application. The footprint of the existing two story building would not be changed but a new facade and new ADA ramp would be installed. A small garage in the parking lot was recently demolished and a new parking configuration is proposed. The existing curb cut on Lincoln Avenue would be used for ingress to the premises. Sixty-one total parking spaces are provided on the plan. Eight spaces would be designated for customers and fifty-three spaces for used car inventory. The parking lot would be re-striped and re-paved. No changes to existing drainage are proposed and the site would remain 100% impervious surface. A new fence would be installed on the Columbus Avenue side of the property. The fence would be stepped so as not to exceed six feet in height thereby avoiding the requirement for a variance. With regard to lighting, the applicant proposes five freestanding poles and a light on the existing sign. Two existing lights on the building would be retrofitted with new fixtures. In response to a report from the Board engineer, Mr. Easse submitted a revised lighting plan dated November 27, 2007. A response was received from the Board engineer dated December 1, 2007 requesting additional information regarding the lighting plan. Discussion took place regarding possible light spillage onto adjoining residential properties. Mr. Easse agreed to supply additional information to address the issues raised by the Board engineer. Mr. Easse also advised the Board that the applicant's proposal would reduce the number of service bays from six to five and the second floor of the building would be utilized as an office and for storage of light inventory items.

The hearing was then opened for public comment without response. After brief discussion, a motion was then made by Mr. Ruta, seconded by Mr. Lucibello and approved by a vote of 7-0 to approve the site plan application subject to preparation of a memorializing resolution by the Board attorney with the condition that the applicant submit additional information regarding the proposed lighting for review and approval by the Board engineer prior to installation of the lighting.

NEW BUSINESS

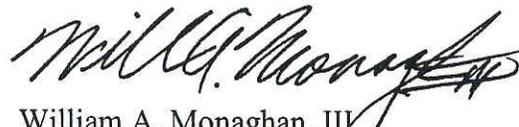
1. With regard to the application of **J.F.W. Homes, Inc.**, Leonard Miller, Esq. appeared as attorney for the applicant together with Bruce D. Rigg, P.E., the applicant's engineer, for work session review of the applicant's proposal. Mr. Miller indicated that his client's application seeks approval for a subdivision with variance relief. He stated that he would submit an affidavit of service and publication of notice as required by statute. Discussion took place regarding the applicability of R-1 Zone bulk requirements although the site is located in the R-5 Zone based on the size of the tract. Mr. Rigg then gave the Board an overview of the applicant's proposal to divide two existing lots into three new lots for the construction of three new one-family residences. Mr. Rigg indicated that the plan could be revised to re-locate two of the proposed houses closer to the front property line. Although additional front yard setback variances would be required, Mr. Rigg stated that the revised design would require less fill, less disturbance of soil, would be more consistent with other houses in the area and would improve the grade for the sanitary sewer. The hearing was then opened for public comment without response. After brief discussion, the hearing was then adjourned until the January 22, 2008 Board meeting for the submission and review of revised plans.
2. With regard to the application of **Hawthorne Discount Center**, the Board agreed to consider the installation of a garbage compactor in conjunction with a certificate of compliance application for a new retail tenant.
3. The Board also indicated that **TPG Enterprises LLC** should submit an application for amended certificate of compliance plan review for a proposed expansion of its staff.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:30 P.M.

Respectfully submitted,


William A. Monaghan, III
Board Attorney/Secretary