Hawthorne Planning Board
Minutes of March, 2008 Regular Meeting

The March, 2008 regular meeting of the Hawthorne Planning Board was called to order on March 18, 2008 at 7:33 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 Ms. DiMattia and seconded by Mr. Matthews, the Board approved the minutes of the February regular meeting and March work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Vice Chairman Lane, seconded by Mr. Lucibello, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 984605 in the amount of $23.40.

RESOLUTIONS

1. With regard to the application of **New Jersey Home Mortgage, LLC**, a motion was made by Vice Chairman Lane, 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 February 19, 2008 meeting.

2. With regard to the application of **Professional Wireless**, 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 February 19, 2008 meeting.

3. With regard to the application of **The Seimei Foundation**, 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 March 4, 2008 meeting.

4. With regard to the application of **PRT Realty, L.P.**, 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 February 19, 2008 meeting.

5. With regard to the application of **J.F.W. Homes, Inc.**, 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 February 19, 2008 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **World Leadership Group-Global Realty Marketing**, Alex Clavijo, realtor/employee appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease a portion of the subject premises as a real estate office for purchases, sales and rental of real estate. The business would emphasize the use of "virtual agents" with laptop computers. Three employees would be required for the subject premises. Two on-site parking spaces would be allocated to the applicant by lease. Board members questioned the sufficiency of the allocated parking spaces as well as the number of employees who would be working at the location. An issue was also raised as to the state licensing requirements for the "virtual agents". A motion was then made, seconded and unanimously approved to adjourn the application until the next Board meeting on April 1, 2008 for submission of documentation by the applicant regarding state licensing approval and for the applicant to contact the property owner regarding possible allocation of additional parking spaces.

OLD BUSINESS

1. With regard to the application of **Lafayette One, LLC**, Mr. Monaghan reported the receipt of a letter from Joshua D. Levine, Esq., attorney for the applicant, dated March 18, 2008. The letter was received earlier today by fax and indicated that neither Mr. Levine nor his client would appear at the meeting. After discussion, the Board directed Mr. Monaghan to forward a letter to Mr. Levine advising him of the Board's specific concerns, namely the number of repair bays and lifts to be utilized by the applicant, parking on the Van Winkle side of the site and the nature of the use to be conducted in the garages on the Van Winkle Avenue side of the property. The Board also again requested that the applicant appear at the next Board meeting on April 1, 2008.

NEW BUSINESS

1. With regard to the application of **Frank and Sandra Oliver,** Ralph E. Faasse, Esq. appeared as attorney for the applicant. He made a brief opening statement in which he advised the Board that the applicants had purchased the subject site, consisting of vacant land, for the purpose of constructing a two-family house which is a permitted use

in the zone. Due to the amount of proposed soil movement, an application to the governing body is required. In addition, approval of the site plan application requires steep slope variances.

Mr. Faasse called as his first witness, Frank Oliver, one of the applicants. After being sworn, he testified that he and his wife purchased the property with the intention of constructing a two-family house. They plan to reside on the first floor and rent the second floor for additional income.

Mr. Faasse called as his next witness, William J. Darmstatter, P.E. and L.S., the applicants' engineer. After being sworn, he was offered and accepted as an expert witness. He indicated that he prepared the site plan submitted in support of the application and last revised on February 28, 2007. He described the subject site as a vacant parcel approximately 65 feet wide by 110 feet deep and characterized by steep slopes with a rise in elevation of approximately 28 feet from the front to the rear of the property. He indicated that most of the lots in the area have similar topography. He offered his opinion that the applicants' proposed plans comply with the criteria of the steep slope ordinance and that the granting of the required steep slope variances would have no negative effect on adjoining properties. He stated that five on-site parking spaces would be provided, with two in the garage and three in the driveway. He advised that Board that approval from the Hudson-Essex-Passaic Soil Conservation District had been obtained. He also indicated that the applicants had submitted a drainage report which proposed two on-site seepage pits. Since the proposal provides for the removal of approximately 2,535 cubic yards of soil from the site, an application to the governing body for a soil movement permit will be required.

Board engineer John Pacholek indicated that the applicants' plans had been reviewed extensively and subject to the Board's approval of the steep slope variances, he had no other concerns with the proposed development.

Brief discussion took place between Board members and Mr. Darmstatter regarding the design of the required retaining walls. As a result of the discussion, the applicants agreed to change the location of the wall to provide a double, stepped wall while maintaining a 22 foot rear yard setback.

The hearing was then opened for public comment without response.

A motion was then made by Vice Chairman Lane, seconded by Mr. Matthews and approved by a vote of 7-0 to approve the application for site plan review and steep slope variances subject to preparation of a memorializing resolution by the Board attorney.

2. Pursuant to the requirements of the Municipal Land Use Law, the Board reviewed proposed Ordinance 1935-08 forwarded to the Board by the governing body. Mr. Matthews, as council representative to the Board, explained the purpose of the ordinance to establish a zone for the purpose of permitting the redevelopment of a former industrial property for residential use, including units set aside for low and

moderate income housing which would assist the Borough in satisfying its COAH obligations. Mr. Monaghan raised two technical questions regarding the numbering of the subsections of the ordinance and the effective date of the ordinance. After brief discussion, a motion was made, seconded and unanimously approved to recommend adoption of the ordinance subject to clarification of the technical questions raised by the Board attorney.

PUBLIC

The meeting was then opened for public comment. James Dusenberry questioned the Board regarding whether the project under construction at the intersection of Lafayette and Van Winkle Avenues is in compliance with the approval previously granted by the Board. Chairman Garner indicated that the Board is in the process of obtaining further information from the applicant to determine whether further action is required.

The meeting was then adjourned at 9:10 P.M.

Respectfully submitted,

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