

Hawthorne Planning Board Minutes of July, 2014 Regular Meeting

The July, 2014 regular meeting of the Hawthorne Planning Board was called to order on July 15, 2014 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. DeAugustines 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. Kowalski, the Board approved the minutes of the June regular meeting.
2. On a motion made by Mr. Matthews and seconded by Vice Chairman Lucibello, the Board approved the minutes of the July work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Kowalski, seconded by Ms. DiMattia, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 989401 in the amount of \$41.34.

RESOLUTIONS

1. With regard to the application of **Cupo Interiors llc**, a motion was made by Mayor Goldberg, seconded by Vice Chairman Lucibello and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its July 1, 2014 meeting.
2. With regard to the application of **Atlantic Stewardship Bank**, a motion was made by Mayor Goldberg, 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 July 1, 2014 meeting.
3. With regard to the application of **John Hryncewich**, Mr. Monaghan received several modifications to the draft memorializing resolution proposed by Board engineer Michael Kelly and the applicant's attorney, Darryl Siss. Mr. Monaghan also indicated that based on discussion with Borough attorney Michael Pasquale, the condition in the draft regarding provision for affordable housing units must be deleted. After discussion among Board members, a motion to approve the memorializing resolution with revisions failed by a vote of 3-3. Additional

deliberation then took place regarding the language of the resolution. A motion to reconsider was carried and a motion was made by Mayor Goldberg, seconded by Ms. DiMattia and approved by a vote of 5-1 to approve the memorializing resolutions with changes as discussed.

4. With regard to the application of **Edward and Lisa Ricchiuto**, a motion was made by Vice Chairman Lucibello, seconded by Mr. Kowalski and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its June 17, 2014 meeting with the correction of the spelling of "Rock Ledge" and modification of the provision for the removal of a portion of the existing driveway.

CERTIFICATE OF COMPLIANCE PLAN REVIEW – None

OLD BUSINESS – None

NEW BUSINESS

1. With regard to **High Rise Tower Development, LLC**, Brian M. Chewcaskie, Esq. appeared as attorney for the applicant, together with Giuseppe Gorga, principal of the applicant. Vice Chairman Lucibello recused himself with regard to this application. Mr. Chewcaskie outlined for the Board the legal basis for his client's application. He indicated that his client is the successor in title to the original applicant/developer, Millview Lofts at Hawthorne, LLC which received approval memorialized in a resolution adopted on September 16, 2008. The approval included a condition requiring the developer to provide three affordable housing units on the site. Mr. Chewcaskie's client now seeks permission to provide all of the required affordable units off site. Because the applicable Borough ordinance contains a requirement for a portion of the affordable units to be located on site, approval of the applicant's request requires the grant of a variance by the Board.

Mr. Monaghan noted the receipt of a Memorandum dated July 15, 2014 from Borough Planner Joseph H. Burgis which indicates that from a planning perspective, there is no objection to the applicant's request. The Memorandum also outlines the requirements to be met by the developer to ensure that the Borough receives the appropriate affordable housing credits. The Memorandum from Mr. Burgis was marked as Exhibit A-1.

Mr. Chewcaskie then called as a witness, Giuseppe Gorga, principal of the applicant. After being sworn, he testified that the applicant has purchased a two family house located at 313 Rea Avenue and is under contract to purchase another two family house located at 22 North 9th Street. Satisfaction of the affordable housing condition in the original approval requires the applicant to provide two additional units. In response to a question from Mr. Monaghan, Mr. Gorga indicated that he understands that he must comply with all applicable COAH regulations including those outlined in Mr. Burgis' Memorandum. In response to questions from Board members, he stated that the reason for the request to provide

the affordable units off-site is based on requirements by the lenders providing financing for the project.

The hearing was then opened for public comment without response.

Mr. Chewcaskie made a brief summation in which he offered as justification for approval of the variance the improvement of the project by removing the affordable component at the site and the benefit to the Borough of the upgrading of the off-site properties purchased by the applicant.

After brief discussion, a motion was made by Mayor Goldberg, seconded by Mr. Ruta and approved by a vote of 5-2 to grant the requested variance subject to preparation of a memorializing resolution by the Board attorney.

PUBLIC

The meeting was then opened for public comment without response.

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

Respectfully submitted,

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