

**Hawthorne Planning Board  
Minutes of June 29, 2015  
Special Meeting**

The June 29, 2015 special meeting of the Hawthorne Planning Board was called to order at 7:07 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 Mayor Goldberg and Mr. DeAugustines were present as well as Board engineer Michael J. Kelly, P.E. and Board attorney/secretary William A. Monaghan, III. Chairman Garner announced that notice of the special meeting had been published and served in accordance with the requirements of the Municipal Land Use Law and the Open Public Meetings Act.

**NEW BUSINESS**

1. The Board conducted a hearing to consider the adoption of a proposed Housing Element and Fair Share Plan as an amendment to the Borough Master Plan. Borough attorney Michael J. Pasquale appeared with Borough Planner Joseph H. Burgis. After being sworn, Mr. Burgis testified regarding the draft Housing Element and Fair Share Plan dated June 17, 2015 prepared by his firm. Copies of the draft were previously distributed to Board members for review prior to the hearing.

Mr. Burgis reviewed the recent developments regarding municipal affordable housing requirements which led to the preparation of the proposed amendment. In March, 2015, the New Jersey Supreme Court issued a decision in which the Court re-asserted control over affordable housing issues due to the failure of the Council on Affordable Housing to promulgate rules for determining affordable housing quotas. The Court's decision also allowed municipalities to seek court protection against builders' remedy lawsuits by obtaining approval of fair share plans. Adoption of the plan prepared by the Borough planner would allow the Borough to seek Court approval.

Mr. Burgis then described the provisions of the proposed plan. He indicated that the Borough had met its prior round obligation for both new construction and rehabilitation units. Based on his analysis, the Borough's prospective obligation for new units should be ten units. Under the proposed plan, fifty-eight new units will be provided. Mr. Burgis offered his opinion that even if the Court requires some adjustment to the figures, the proposed plan should more than satisfy the Borough's obligation. If Court approval is granted, the Borough's plan would be certified through 2024. Mr. Burgis also stated that a contribution from the developer of the recently approved Central Avenue project will fund the Borough's entire rehabilitation obligation. Finally, Mr. Burgis noted that typographical errors and references in the draft will be corrected prior to issuance of the final version.

The hearing was then opened for public comment. Kathryn Razin, Esq. appeared on behalf of 204 Wagaraw Road LLC. She raised procedural questions regarding notice of the hearing and also requested that the Board postpone action on the proposed amendment based on her contention that her client's pending development application was not included in the draft plan. She requested and received permission to present testimony from John McDonough, professional planner. After being sworn, Mr. McDonough was permitted to testify as an expert witness. He stated that he is the planner for the pending 204 Wagaraw Road application. He offered his opinion that the proposed development would include thirty-three affordable units which would constitute a benefit for the Borough's affordable housing plan.

Mr. Pasquale cross-examined Mr. McDonough and argued that Ms. Razin and Mr. McDonough were attempting to bolster their client's position before the Board of Adjustment.

A motion was then made, seconded and unanimously approved to close the public comment portion of the meeting.

Mr. Monaghan advised Ms. Razin that notice had been given in accordance with the statutory requirements of the Municipal Land Use Law.

Board members then offered their comments. Mr. Matthews pointed out that Ms. Razin's client had received similar treatment in the draft plan as the Patriot Hills development. Mr. Burgis noted that both properties were included in the vacant land adjustment since the Patriot Hills approval had expired, and the 204 Wagaraw Road application remains pending. Board members expressed the opinion that there was no basis to delay action on the proposed amendment.

A motion was then made by Mr. Matthews, seconded by Mrs. Zakur and approved by a vote of 6-1 to approve the Housing Element and Fair Share Plan dated June 17, 2015 prepared by Burgis Associates, Inc., with correction of typographical errors, as an amendment to the Master Plan of the Borough of Hawthorne.

The meeting was adjourned at 8:18 P.M.

Respectfully submitted,

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