

Hawthorne Planning Board Minutes of September, 2015 Work Session

The September 1, 2015 meeting of the Hawthorne Planning Board was called to order at 7:31 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 were present as well as 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 Vice Chairman Lucibello and seconded by Mr. Ruta, the Board approved the minutes of the July regular meeting.
2. On a motion made by Mr. Ruta and seconded by Mrs. Zakur, the Board approved the minutes of the August work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Ruta, seconded by Mr. Matthews, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 989926 in the amount of \$39.00.

RESOLUTIONS

1. With regard to the application of **Northside Moving LLC**, as a result of an issue regarding the number of trucks being used by the applicant, a motion was made, seconded and unanimously approved to hold the memorializing resolution until the next Board meeting pending an inspection by Code Enforcement Officer Don Turner.
2. With regard to the application of **A & R Vapor**, 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 August 4, 2015 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Dr. Edward Janiga**, the applicant appeared together with James Francesco, representative of the property owner. Mr. Monaghan recused himself as attorney with regard to this application. After being sworn, they testified that the applicant proposes to lease the lower level at the subject premises for his optometry practice. He currently practices at a nearby location but requires more space. He has three employees and one other doctor who

will work at the premises when he is not there. Although his current lease provides for six on-site parking spaces, based on the applicable parking ordinance, the landlord agreed to allocate eight spaces to the applicant. No exterior changes to the premises are proposed. A motion was then made by Mayor Goldberg, seconded by Vice Chairman 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 with the condition that eight on-site parking spaces are allocated to the applicant by lease.

2. With regard to the application of **Bentwheel Motorclub LLC**, Jay Menzo, co-owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to utilize approximately 3,000 square feet in the subject premises for the operation of an automotive repair business focused on high end vehicles and race car development. Mechanical and engine work as well as wheel repair would be performed at the premises. No body work or painting would be done. Four employees would work at the premises. The applicant is in the process of purchasing the subject property and anticipates a future application for the use of the remainder of the existing building as a warehouse for the storage of classic cars. No exterior changes to the premises are proposed at this time. A motion was then made by Mayor Goldberg, seconded by Mr. Ruta 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 with the condition that no outside storage of products or equipment is permitted.
3. With regard to the application of **Fine Line Delivery Service**, John Gonzalez, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to use a portion of the subject premises as a warehouse for the receipt and delivery of high end furniture. Four employees would operate the business. Four on-site parking spaces would be allocated to the applicant by lease. The applicant would utilize a maximum of two twenty-six foot trucks. No wholesale or retail sales would be conducted at the premises. No exterior changes to the premises are proposed. A motion was then made by Vice Chairman Lucibello, seconded by Ms. DiMattia 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.
4. With regard to the application of **Driven Innovations, LLC**, Mr. Monaghan advised the Board that the application was inadvertently listed on the agenda since a complete application has not yet been filed.
5. With regard to the applications of **Anaysa Transmission** and **Celmex-Fuel LLC**, Jorge De Jesus appeared on behalf of Anaysa Transmission and Adam Roy appeared on behalf of Celmex-Fuel LLC. Mr. Monaghan advised the Board and the applicants of the receipt of a memo from Sergeant Finstra of the Hawthorne Police Department indicating that numerous other businesses appear to be operating at the site although the only business currently approved for operation is a Lukoil retail gasoline station. The memo also stated that the business has been shut down by the Code Enforcement Officer. Mr. DeAugustines confirmed that summonses have

been issued for violations. A motion was then made, seconded and unanimously approved to adjourn the hearings on both applications pending resolution of the municipal court cases.

OLD BUSINESS

1. With regard to the application of **102 Braen Avenue LLC**, Mr. Monaghan reported the receipt of an e-mail from Board engineer Michael Kelly indicating that most of the required site work had been completed and the remainder, including paving and striping of the parking lot, is to be finished by Thursday, September 3. Edward Miller, vice president of D.S. Meyer Enterprises, L.L.C., appeared on behalf of the applicant. After being sworn, he confirmed that the site work will be completed as indicated in Mr. Kelly's e-mail. He also represented that the applicant's employees will be required to park in the on-site lot. Based on Mr. Kelly's e-mail and Mr. Miller's testimony, the Board is satisfied that the applicant has now complied with the conditions of the site plan approval previously granted by the Board.
2. With regard to the application of **Top Notch 1 Construction, LLC**, Fatbardh Muja, owner of the applicant, appeared together with James Francesco, representative of the property owner. After being sworn, they were advised by Mr. Monaghan that the Board had withheld approval of the memorializing resolution subject to clarification of the dumpster issue and the status of violations issued by the Borough Code Enforcement Officer. Mr. Muja was informed that dumpsters at the premises cannot be used for debris brought from other sites. After further discussion, a motion was made, seconded and unanimously approved to carry the resolution further until the September 15, 2015 regular meeting pending removal of the dumpsters, registration of all vehicles at the premises, and receipt of further information from the property owner regarding the status of outstanding summonses.

NEW BUSINESS – None

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:40 P.M.

Respectfully submitted,

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