

Hawthorne Planning Board Minutes of August, 2013 Regular Meeting

The August, 2013 regular meeting of the Hawthorne Planning Board was called to order on August 20, 2013 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. Ruta were present as well as Peter Ten Kate, 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. DeAugustines, the Board approved the minutes of the July regular meeting.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Matthews, seconded by Vice Chairman Lucibello, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 988670 in the amount of \$33.54.

RESOLUTIONS

1. With regard to the applications of **Home, LLC** and **Hawthorne Family Practice**, a motion was made by Ms. DiMattia, seconded by Mr. Matthews and approved by a vote of 6-0 to approve a resolution memorializing the actions taken by the Board at its July 16, 2013 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Pro Tech Roofing and Chimney LLC**, William Mania, Christian Camacho and Habil Sulejmani, partners, speared on behalf of the applicant. After being sworn, they testified that the applicant proposes to lease a portion of the subject premises as an office and storage facility for a roofing/siding/chimney contracting business. Brick and plywood would be stored at the site with two dumpsters proposed in the parking area. The applicant would park three vans at the premises. The second floor is occupied by residential tenants. The Hawthorne Police Department's review of the application indicated that the subject premises shares the driveway with an adjoining residence and that parking does not

appear adequate for the proposed use. In addition, although the property is located in the B-1 Zone, the proposed use may not be permitted in the zone. Board members expressed concerns regarding parking and traffic flow as well as the appropriateness of the proposed use in a substantially residential area. A motion was then made by Mr. DeAugustines, seconded by Vice Chairman Lucibello and approved by a vote of 7-0 to deny 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 **The Moped Warehouse**, Christopher Huebner, owner, appeared on behalf of the applicant. Mr. Monaghan recused himself with regard to this application. After being sworn, he testified that the applicant proposes to lease a portion of the subject premises as a mechanic's shop and parts supplier specializing in vintage mopeds. No additional employees other than the owner would work in the shop. Six on-site parking spaces are available. No exterior changes to the premises are proposed. A motion was then made by Mr. Matthews, 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.
3. With regard to the application of **Quick Stop Ready Mix Concrete**, for amended certificate of compliance approval, Ghassan Arslanbeck, owner, and Nicholas Petty, employee, appeared on behalf of the applicant. After being sworn, they advised the Board that the exterior washout structure which was installed is necessary because the concrete truck cannot be brought into the building through the available doors. Since a condition of the applicant's prior approval required compliance with applicable NJDEP regulations based on the location of the subject premises in a flood zone, the applicant was directed to contact NJDEP regarding the requirements for the exterior washout system. The application was adjourned until the September 17, 2013 Board meeting for a response by the applicant on the status of the inquiry to NJDEP.
4. With regard to the application of **Ultimate Construction**, Mr. Monaghan reported that the applicant had advised the Building Department that the application would be withdrawn and that the applicant would not appear for the hearing.

OLD BUSINESS

1. With regard to the application of **Ulma Form Works**, Mr. Monaghan reported the receipt of a letter dated August 20, 2013 from the applicant requesting a further adjournment of the application until the September 17, 2013 Board meeting. The reason for the request is a delay in completion of plans for relocation of the existing driveway. In view of the length of time this matter has been pending and the prior

adjournments granted, the Board agreed to the request but directed Mr. Monaghan to advise the applicant that no further adjournments would be granted.

NEW BUSINESS

1. With regard to the application of **John Hryncewich**, Darryl Siss, Esq. appeared as attorney for the applicant together with Bruce Rigg, P.E., the applicant's engineer, for work session review of the application. Mr. Monaghan noted the receipt of a lengthy report from the Board engineer; however, Board members did not receive copies of the report prior to the meeting. Mr. Siss gave the Board an overview of his client's application which seeks approval for both a minor and major subdivision with the creation of new residential lots for two family and one family residences. The application also involves property owned by another owner who has consented to the filing of the application. Two existing houses as well as an existing masonry building would be removed as part of the project. Mr. Rigg, the applicant's site engineer, also gave a brief summary of the applicant's proposal. Improvements to an existing street with the addition of a cul-de-sac would be required. Bulk variances as well as steep slope variances are necessary for approval. Mr. Rigg indicated that each of the proposed new lots would have individual stormwater systems to be maintained by the individual homeowners. No homeowners' association is proposed. Mr. Siss agreed to provide additional sets of plans and application documents for review by the Police Department, Fire Department, Environmental Commission and Shade Tree Commission. Since Board members had not had the opportunity to review Mr. Kelly's report, the Board will make a decision on the applicant's request for design waivers at the September 17, 2013 Board meeting.

The hearing was then opened for public comment. Joseph Metzler requested that the Board address possible runoff problems for a homeowner, Mr. Rooney, who has experienced previous flooding problems. Wendy Gavigan expressed concern about the proposed setbacks. Carl Schmidt questioned the extent of the steep slope variances requested by the applicant. Ellie Wenzke questioned the size of the proposed cul-de-sac and the ability of fire trucks to service the project. Margaret Elwood expressed concern about stormwater/flooding issues based on experience with the Lafayette Hills development. Lois Cuccinello also questioned the reason for the steep slope variances.

After brief further discussion, a motion was made, seconded and unanimously approved to adjourn the hearing to the September 17, 2013 Board meeting at which time the Board will consider the applicant's request for waivers but will not proceed further pending review by Police, Fire, Environmental and Shade Tree. Mr. Monaghan announced that no further notice to surrounding property owners or publication would be required at this time.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:40 P.M.

Respectfully submitted,

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