

## **Hawthorne Planning Board Minutes of June, 2008 Work Session**

The June 3, 2008 meeting of the Hawthorne Planning Board was called to order 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 Mayor Botbyl 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.

1. With regard to the application of **Hawthorne Auto Mart, Inc.**, Fawaz Kurdi, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to add a convenience store to the existing gas station and auto repair facility at the premises. The convenience store would occupy the present office area approximately 24 feet by 12 feet. Two employees would be required for the convenience store. No cooking would be done on the premises and only pre-packaged food would be sold. Two bays would continue to be used for auto repair. Twenty on-site parking spaces are available and no exterior changes to the premises are proposed. A motion was then made by Mr. Lucibello, seconded by Mr. Matthews 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 or use of "sandwich board" signs is permitted.
2. With regard to the application of **Presentation Systems Inc.**, Jack Egan, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease the subject premises as an office/warehouse for a sales organization selling printing equipment and supplies primarily to schools. Four employees would be required for the office operation. No retail business would be conducted at the site. Four on-site parking spaces would be allocated to the applicant by lease and no exterior changes to the premises are proposed. A motion was then made by Mr. Ruta, seconded by Mr. 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 **Blush**, Alyssa Shackil, owner, appeared on behalf of the applicant. After being sworn, she testified that the applicant proposes to lease the subject premises as a studio for a free-lance make-up artist and boutique for the sale of cosmetics. The business would be conducted by appointment only with the make-up artist as the only employee. Eight on-site parking spaces would be allocated to the applicant by lease and no exterior changes to the premises are proposed. A motion was then made by Mr. DeAugustines, seconded by Mr. Matthews 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.

## **OLD BUSINESS**

1. With regard to **JTR Family Realty LLC**, Brian T. Keane, Esq. appeared as attorney together with Robert G. Taylor, managing member of the limited liability company. Mr. DeAugustines recused himself from participating in this matter. Mr. Monaghan reviewed the procedural history of this matter in which five separate certificate of compliance applications were previously filed by tenants occupying portions of the premises owned by JTR Family Realty LLC. None of the applicants appeared on the date scheduled for hearing of the applications. The Board denied the applications without prejudice but advised the property owner and the applicants that formal site plan review would be required. On behalf of the property owner, Mr. Keane by letter requested the opportunity to appear before the Board to discuss the Board's decision to require site plan review.

Mr. Keane then presented Mr. Taylor as a witness. After being sworn, he testified that he is the managing member of the four member LLC which owns the subject property. He described the past use of the site which involved the storage of heavy equipment and materials. The excavating business which previously operated on the site is no longer present. A residence and garage are located on the site. The garage is not presently in use. He stated that only three of the five certificate of compliance applicants remain on the property.

Board members then voiced their concerns regarding conditions at the site including debris in and near the brook which crosses the property, the general appearance of the property, the number and types of vehicles on the site and the number and nature of the businesses being operated at the site.

Mr. Keane advised the Board that an underground tank remediation/cleanup is in progress with NJDEP involvement. Monitoring wells may be required in the future.

Extended discussion then took place regarding the necessity for formal site plan review. Mr. Keane requested that the Board reconsider its position based on the cost to his client and the fact that his client is attempting to sell the property. Board members expressed dissatisfaction with the condition of the property and the lack of specific information from the property owner with which the Board could make a decision regarding the certificate of compliance applications. Based on a suggestion by Mr. Matthews, and with the agreement of the property owner, a motion was made, seconded and unanimously approved to adjourn the hearing until the July 1, 2008 work session for the property owner to provide a current survey of the property showing flood areas and a proposal regarding the cleanup of the site.

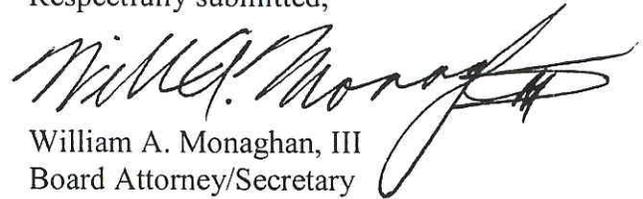
**NEW BUSINESS** – None

**PUBLIC**

The meeting was then opened for public comment. James Dusenberry raised a question regarding the status of the trailer presently located on the JTR Family Realty LLC property.

The meeting was then adjourned at 8:50 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William A. Monaghan, III". The signature is written in a cursive style with a large, sweeping flourish at the end.

William A. Monaghan, III  
Board Attorney/Secretary