Hawthorne Planning Board
Minutes of September, 2008 Regular Meeting

The September, 2008 regular meeting of the Hawthorne Planning Board was called to order on September 16, 2008 at 7:30 P.M. by Vice Chairman Lane. After recital of the Pledge of Allegiance, Board Secretary William A. Monaghan, III called the roll. All members and alternates except Chairman Garner were present as well as Board engineer John M. Pacholek, P.E. and Board attorney/secretary William A. Monaghan, III, Esq. Vice Chairman Lane 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 Mr. DeAugustines and seconded by Mr. Ruta, the Board approved the minutes of the August regular meeting and September work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Matthews, seconded by Mr. Lucibello, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 985074 in the amount of $31.20.

RESOLUTIONS

1. With regard to the application of **Millview Lofts at Hawthorne, LLC,** a motion was made by Mr. DeAugustines, seconded by Mr. Kowalski and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its August 19, 2008 meeting.

2. With regard to the application of **JTR Family Realty, LLC**, a motion was made by Mr. 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 September 2, 2008 meeting.

3. With regard to the application of **Rocky's Den**, a motion was made by Mr. Ruta, seconded by Ms. DiMattia and approved by a vote of 3-0 to approve a resolution memorializing the action taken by the Board at its September 2, 2008 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Metro Wireless Inc.**, Rene Resnek, one of the partners, appeared on behalf of the applicant. After being sworn, he testified that the

applicant proposes to lease a portion of the subject premises for the operation of a retail wireless telephone store and payment center. One employee would be required initially, and possibly three employees in the future, for the operation of the business. Four on-site parking spaces are available in the front of the property with four or five spaces also available if needed in the rear of the property. No exterior changes to the premises are proposed. A motion was then made by Mr. Ruta, 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 – None

NEW BUSINESS

1. In accordance with the Municipal Land Use Law, the Board reviewed proposed Ordinance 1953-08, scheduled to be considered for final passage at a meeting of the governing body on September 17, 2008. Mayor Goldberg advised the Board that the adoption of the ordinance, which would remove any restrictions on political signs in the Borough, was required by the terms of a settlement of pending litigation contesting the validity of the existing sign ordinance. Board members raised questions regarding the possibility of imposing some regulations on political signs but Mayor Goldberg indicated that based on constitutional free speech principles, repealing the existing restrictions was necessary to comply with current case law. While recognizing the necessity for the ordinance change as part of the settlement of the lawsuit, Board members expressed concern regarding the absence of any limits on the size, number and duration of political signs which will now be permitted. A motion was then made, seconded and unanimously approved to recommend the adoption of the ordinance while expressing the concerns of the Board regarding the lack of any limits on political signs.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:10 P.M.

Respectfully submitted,

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