

Hawthorne Planning Board Minutes of June, 2009 Work Session

The June 2, 2009 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 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 **Paterson Railing & Iron Works**, Anthony Cacciola, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease the subject premises as an office and showroom for a residential and commercial iron and aluminum railing business. Two employees would staff the office and showroom. No on-site parking is available and no exterior changes to the premises are proposed. A motion was then made by Mr. Matthews, 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.

2. With regard to the application of **Empire Video Plus, LLC**, Mr. Monaghan noted that a letter had been sent to the applicant on May 13, 2009, indicating that a use variance application would be required for the applicant's proposal to install outdoor bistro tables on the sidewalk in front of the applicant's store. Since the Planning Board lacks jurisdiction to consider a use variance application, based on Mr. Monaghan's advice, a motion was made by Vice Chairman Lane, seconded by Mr. Lucibello and approved by a vote of 7-0 to deny the certificate of compliance application without prejudice.

3. With regard to the application of **Hawthorne Auto Mart**, Fawaz Kurdi, owner, and Thomas Gould, representative of U-Haul, appeared for the continuation of the hearing commenced at the May work session. After being sworn, they testified regarding a parking sketch plan submitted since the last meeting at the request of the Board. Mr. Gould also submitted a more formal parking diagram which he prepared in accordance with U-Haul guidelines. The diagram was accepted as an exhibit. Mr. Kurdi indicated that in order to provide for better circulation on the site, parking spaces numbers 10, 11 and 12 on his sketch plan would be eliminated. A motion was then made by Mr. Matthews, seconded by Mayor Goldberg 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 conditions that a maximum of five trucks and one trailer will be permitted on the site, no outside storage of products or equipment except the U-Haul vehicles will be permitted, spaces 10, 11 and 12 on the applicant's sketch plan will be eliminated and the applicant will maintain the parking in accordance with the U-Haul diagram.

4. With regard to the application of **Temptations**, Cedric Ardeljan, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease the subject premises as a retail boutique similar to the previous occupant. The store would sell men's and women's clothing and tobacco pipes and accessories. No tobacco would be sold. Three on-site parking spaces would be allocated to the applicant by lease and two employees would be required for the operation of the store. No exterior changes to the premises are proposed. Board members questioned the applicant regarding the nature of the tobacco product accessories. The applicant indicated that his products would include water pipes and rolling papers. Board members then expressed serious concerns regarding the primary emphasis of the store, the nature of the clientele to be attracted to the store and the possible negative image in a family community. A motion was made by Mr. DeAugustines and seconded by Mr. Lucibello to approve the application but the motion was defeated by a vote of 4-3.

OLD BUSINESS

1. With regard to the application of **Realty Acquisition Group, LLC**, Mr. Monaghan reported the receipt of a request from the applicant's engineer for a field change in the plan regarding the location of a Verizon utility pole. The Board requested input from the Board engineer at the next meeting regarding the necessity for an amended site plan.

NEW BUSINESS

1. Kenneth Smith and Charles W. Smith III, members of the Volunteer Railroaders Association, appeared to discuss the Association's proposal to relocate the Diamond Bridge Avenue train station. Mr. Monaghan noted because the property is owned by the New York Susquehanna & Western Railroad, local jurisdiction is pre-empted by federal law and the Board's role is limited to advisory review. The Association submitted plans dated February 5, 2009 prepared by DiGeronimo, PC, architects which provide for the relocation of the train station approximately 75 feet in a northerly direction. Vice Chairman Lane advised the Board that he had met with Board engineer Michael Kelly yesterday to review the plans and Mr. Kelly had no concerns regarding the proposal. Kenneth Smith noted that all aspects of the proposal are contingent upon approval by the railroad. He indicated that a written agreement between the railroad and the Association is pending. Mr. Monaghan noted that the proposal is included as part of the Hawthorne Village Station Master Plan. Public comment was invited without response. A motion was then made, seconded and unanimously approved to record the presentation made by the Volunteer Railroaders Association since no formal action by the Board is required.
2. Mr. Monaghan requested input from the Board regarding an inquiry from Shotmeyer Bros. for permission to lease a portion of its site to a school bus operator. The Board

indicated willingness to hear an application for a certificate of compliance provided that all present occupants of the site are included and the applicant provides a survey depicting all present occupants.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:35 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