

## **Hawthorne Planning Board Minutes of August, 2009 Work Session**

The August 4, 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 engineer Michael J. Kelly, 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.

1. With regard to the application of **Center for Special Surgery**, John Tauber, business manager, appeared on behalf of the applicant. After being sworn, he testified that the applicant purchased the subject premises in 1999. As a result of the growth of its existing facility nearby, the applicant proposes to utilize the subject premises for storage of files and durable medical equipment. No employees would be located at the premises and no parking spaces would be required although three on-site spaces would be allocated for possible overflow parking from the applicant's main facility. No exterior changes to the premises are proposed but the Board requested that the applicant post a small sign identifying the premises. A motion was then made by Vice Chairman Lane, 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 **US Elite Gear**, Steven Keefer, owner, appeared on behalf of the applicant. Mr. Lucibello recused himself with regard to this application. After being sworn, Mr. Keefer testified that the applicant proposes to lease a portion of the subject premises as a showroom for the retail sale of tactical gear for the outdoor, military and first responder markets as well as a workout gym. Two employees would be required for the operation of the business. Eight on-site parking spaces would be allocated to the applicant. 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.
3. With regard to the application of **B. Witching Bath Co.**, Barbara Bruce-Ross, President, appeared on behalf of the applicant. After being sworn, she testified that the applicant purchased the subject site and proposes to utilize the premises for the sale of aromatherapy and bath products. The business would be conducted primarily by internet with minimal retail sales at the premises. A maximum of three employees would be required for the operation of the business. The applicant proposes to utilize the rear of the property for parking, with temporary use of gravel and anticipates paving the area in the future. No other exterior changes to the premises are proposed. A motion was then made by Vice Chairman Lane, 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.

4. With regard to the application of **Align Fitness LLC**, Cara Cornett, owner, appeared on behalf of the applicant. Mr. Monaghan recused himself with regard to this application. After being sworn, Ms. Cornett testified that the applicant proposes to lease the premises formerly occupied by an art studio for use as a Pilates-type fitness studio. The owner would be the only employee required for operation of the studio. Adequate on-site parking is 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.

### **OLD BUSINESS**

1. With regard to the application of **Arcadis**, Mr. Monaghan reported the receipt of a letter dated July 30, 2009 from Frederick Roughgarden, Esq. advising the Board of his representation of the applicant requesting the adjournment of the hearing until the August regular meeting of the Board to permit the applicant to make arrangements for service of surrounding property owners as required by the soil movement ordinance. Mr. Monaghan also noted that Board members had received copies of correspondence between BASF and United Technologies regarding the remediation activities at the site. A motion was then made, seconded and unanimously approved to grant the adjournment request.
2. With regard to the application of **Ulma Form Works LLC**, Ralph E. Faasse, Esq. appeared as attorney for the applicant. He made a brief opening statement in which he outlined the applicant's proposal to reconfigure the parking area and make changes to the front of the existing building.

He called as his first witness Bruce D. Rigg, P.E., the applicant's engineer. After being sworn, he was accepted as an expert witness based on his credentials and numerous prior appearances before the Board. He testified that he prepared the site plan and survey submitted in support of the application. He described the existing conditions at the site which is located in the I-1 Zone. He advised the Board that the site plan provides for modifications to the parking arrangement, closure of the loading bay doors at the front of the building and elimination of the center driveway so that all traffic movement will take place on the site. The new parking plan provides for 38 10 foot by 20 foot spaces. Based on the applicant's total of 35 employees, the proposal complies with the requirements of the parking ordinance.

With regard to stormwater management, Mr. Rigg testified that since impervious coverage is being slightly decreased with the addition of landscaping, runoff from the site will be decreased.

Mr. Rigg indicated that since the amount of soil to be moved is under 100 cubic yards, the application is exempt from the requirements of the soil movement ordinance.

With regard to lighting, Mr. Rigg stated that the site plan would eliminate truck loading in the front of the building which would ameliorate the problem noted by the residential neighbors at the work session. Two "shoe box" lights facing downward would replace existing halogen lights to provide sufficient lighting for the front parking lot without spillage onto adjoining residences.

Mr. Faasse called as his next witness Michael Lagace, president and chief executive officer of the applicant. After being sworn, he testified that the applicant is a supplier of concrete forms to the heavy construction industry. At the subject premises, the forms, which are rented and sold to customers, are stored, repaired and shipped. The existing building also contains administrative offices. Approximately one-half of the employees at the site work in the warehouse, while the other half work in design, clerical and sales positions. He indicated that the proposed use of the site will not change but the reconfiguration of the front of the building will allow for expansion of office facilities.

Mr. Faasse called as his next witness Edward A. Easse, the applicant's architect/planner. After being sworn, he was permitted to testify as an expert witness based on his credentials and numerous appearances before the Board. He indicated that he prepared the architectural plans submitted in support of the application which include elimination of three overhead doors in the front of the building, addition of a vestibule and conference room, and changes to the façade to include a large canopy over the front door. The façade will be a neutral color with score lines.

From a planning perspective, Mr. Easse offered his opinion that the proposed changes to traffic circulation, lighting and landscaping would help to minimize the impact of the industrial use on the neighboring residential area.

Board engineer Michael Kelly, previously sworn, offered his comments with regard to the application. He recommended that the applicant install a guardrail on top of the existing retaining wall and also suggested that the applicant make repairs to the retaining wall. He stated that the proposed lighting plan is satisfactory and that, in his opinion, installation of a seepage pit is not required.

Based on questions raised by Board members, and after discussion among Board members, the Board engineer and the applicant's professionals, the applicant agreed to repair the retaining wall and install a guardrail on the top of the wall, post a "No Idling" sign with specific reference to the Borough ordinance, install privacy slats in the fence

and front gates and relocate the fence on the north side of the building beyond the fire sprinkler system connection.

The hearing was then opened for public comment without response. A motion was then made by Mayor Goldberg, seconded by Mr. Lucibello and approved by a vote of 7-0 to grant the application for site plan approval subject to preparation of a memorializing resolution by the Board attorney incorporating the conditions set forth on the record.

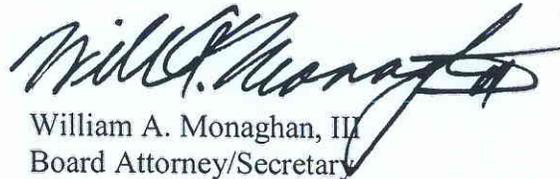
**NEW BUSINESS** – None

**PUBLIC**

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:15 P.M.

Respectfully submitted,



William A. Monaghan, III  
Board Attorney/Secretary