

**Hawthorne Planning Board
Minutes of February, 2008 Regular Meeting**

The February, 2008 regular meeting of the Hawthorne Planning Board was called to order on February 19, 2008 at 7:33 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. Matthews and Ms. DiMattia were present as well as Board engineer John M. Pacholek, 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 Mr. Lucibello and seconded by Vice Chairman Lane, the Board approved the minutes of the January regular meeting and February work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Ruta, seconded by Vice Chairman Lane, and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 984578 in the amount of \$53.82.

RESOLUTIONS

1. With regard to the application of **The Lite-Ful Cheesecake LLC**, a motion was made by Mr. DeAugustines, seconded by Vice Chairman Lane and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its February 5, 2008 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **New Jersey Home Mortgage, LLC**, Kimberly Hiza, owner, appeared on behalf of the applicant. After being sworn, she testified that the applicant proposes to lease the second floor of the subject premises for office use as a mortgage company. No employees other than the owner would be required for the operation of the business. Most of the applicant's business would be conducted at clients' homes with minimal walk-in business anticipated. Six on-site parking spaces are available and no exterior changes to the premises are proposed. 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 **Professional Wireless**, Rene Resnek, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease a portion of the subject premises as a payment center and repair facility for cellular telephones. The site is presently occupied by a computer repair business and the applicant proposes to utilize a portion of the area previously occupied by the existing business. No on-site parking is available. Since the applicant's business would rely heavily on customers visiting the premises, and given the scarcity of street parking in the area, Board members expressed serious concerns regarding the appropriateness of the proposed use at the subject premises as well as the overuse of the site by two businesses in a relatively small space. A motion was then made by Vice Chairman Lane, seconded by Mr. 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.

OLD BUSINESS

1. With regard to the application of **PRT Realty, L.P.**, Ralph E. Faasse, Esq. appeared as attorney for the applicant for the continuation of the hearing. The applicant's architect, Edward A. Easse, Richard D. Thomas, principal of the applicant and Board engineer John Pacholek were placed under oath. Mr. Faasse indicated that no changes had been made to the applicant's plans since the date of the previous hearing. Mr. Faasse also confirmed that his client had agreed to grant an easement over Thomas ROW South in favor of the Borough of Hawthorne. Based on the easement, the applicant will be able to utilize parking spaces on the private road adjacent to the subject premises.

Mr. Faasse then called Edward A. Easse, the applicant's architect, as his next witness in support of the application. Based on his numerous previous appearances before the Board, he was offered and accepted as an expert witness. He described the existing one story structure at the site and indicated that the applicant proposes to demolish the easterly wooden portion of the building and add similar square footage as the second floor of the remaining portion of the building. He reviewed the plans which he prepared on behalf of the applicant consisting of elevation drawings and first and second floor plans. The first floor would be utilized as a warehouse and assembly area with the second floor to be used as office space. He stated that the site is located in an industrial zone and that the proposed uses are permitted in the zone. He offered his opinion that the applicant's proposal would be esthetically pleasing and benefit the community by recycling an older building.

Mr. Faasse then re-called Bruce Rigg, the applicant's engineer, for additional testimony. In response to Board members' concerns regarding the size of the proposed parking

spaces, he indicated that by eliminating four spaces, he could make all of the on-site spaces ten feet wide although they would remain eighteen feet long.

Mr. Faasse then called as his next witness Richard D. Thomas, principal of the applicant. Mr. Thomas indicated that his prospective tenant intended to use the first floor of the proposed structure as a sheet metal shop and warehouse with fifteen on-site employees and fifteen field mechanics. The second floor would be used as an office or possibly for light manufacturing/warehouse space.

The hearing was then opened for public comment without response.

After brief discussion, a motion was made by Vice Chairman Lane, seconded by Mr. DeAugustines and approved by a vote of 6-0 to grant the application for site plan approval with variances for parking space size and parking space location subject to preparation of a memorializing resolution by the Board attorney.

2. With regard to the application of **J.F.W. Homes, Inc.**, Leslie E. Rice, Esq. of the office of Leonard Miller, Esq. appeared as attorney for the applicant for the continuation of the hearing. She re-called Bruce D. Rigg, the applicant's engineer, for additional testimony. Having previously been sworn, Mr. Rigg testified that based on the modification of the location of the proposed home on lot 10.03, the necessary retaining walls have been changed so that only one wall would exceed ten feet in length thereby requiring a variance. The re-location of the house would also significantly reduce the amount of soil movement to less than 1,000 cubic yards which is within the jurisdiction of the Planning Board. Mr. Rigg also modified the design of the proposed seepage pits in accordance with a request by the Board. Mr. Rigg noted that the latest revision date of the plans is February 1, 2008.

With regard to the issue of completion of Mazur Place, Mr. Monaghan read into the record a letter from the applicant's attorney dated February 15, 2008, which indicated the applicant's acceptance of responsibility for completion of the roadway. In response to a question from Mr. Monaghan, Mr. Rigg indicated that storm drains, utilities and curbing for the roadway are complete. He stated that completion of the road would require some patching of the base course paving and final paving of the top course of asphalt.

Discussion took place regarding the timing of completion of the retaining walls and road improvements. The consensus of the Board was that the certificate of occupancy for the final house to be constructed would not be issued until the Mazur Place road improvements are completed. If, however, the road improvements are not completed within eighteen months from the date of the resolution of approval of the application, the Borough of Hawthorne will pursue its remedies under the performance bond to be posted by the applicant.

The Board also indicated that approval would be conditioned on execution of a developer's agreement between the applicant and the Borough as well as the posting of a

new performance bond. Board engineer John Pacholek indicated that he had no further comment on the application other than as set forth in his latest report dated February 7, 2008. The hearing was then opened for public comment without response.

After brief further discussion, a motion was made by Vice Chairman Lane, seconded by Mr. Ruta and approved by a vote of 7-0 to grant the application for major subdivision and bulk variances subject to preparation of a memorializing resolution by the Board attorney including the conditions set forth on the record.

NEW BUSINESS

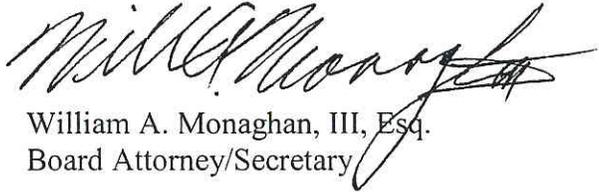
1. With regard to the application of **Frank and Sandra Oliver**, Ralph E. Faasse, Esq. appeared as attorney for the applicants for work session review of the application. Mr. Faasse advised the Board that his clients are seeking site plan approval for construction of a two family house with required steep slope variances. Board engineer John Pacholek indicated that he had completed his review of the application and submitted a report. Mr. Faasse further advised that notice and publication had been completed and the appropriate proofs submitted. The hearing was opened for public comment without response. The application will be placed on the agenda for the March 18, 2008 Board meeting.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:25 P.M.

Respectfully submitted,



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