

## Hawthorne Planning Board Minutes of September, 2010 Work Session

The September 7, 2010 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 Goldberg and Mr. Kowalski 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 the **Law Offices of Peter J. Lamont**, Peter J. Lamont, Esq. appeared as the applicant. After being sworn, he testified that the applicant proposes to lease a small office in the subject premises as a law office for a general/commercial litigation practice. One employee would also occupy the office and one on-site parking space is available. Based on the applicant's type of practice, clients rarely visit the office. 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.
2. With regard to the application of **MVS USA, Inc.**, David Waldman, Esq. appeared as attorney for the applicant together with Deborah Deffaa, owner of the applicant. Mr. Monaghan recused himself as Board attorney with regard to this application. After being sworn, Ms. Deffaa testified that she is the contract purchaser of the subject premises which consist of two separate buildings. The applicant proposes to occupy approximately one-half of the building designated as 1086 Goffle Road as an office and light warehouse for a wholesale communications business providing services to users of satellite telephones. Eleven employees would be required for the operation of the business. Approximately 100 parking spaces are located on the premises. No exterior changes to the premises are proposed. A motion was then made by Mr. Matthews, seconded by Vice Chairman 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 **Gelateria Vivi**, Valter Cianni, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to open a gelato/coffee shop in the presently vacant space previously used as storage by the Vivi restaurant. Three employees would be required for the operation of the business which would be separate from the restaurant. Rest rooms would be shared with the adjoining restaurant. The gelateria would have a separate entrance on Lafayette Avenue as well as access through the restaurant. No exterior changes to the premises are proposed. A motion was then made by Mr. Ruta, seconded by Mr. DeAugustines 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 **Hawthorne Mower**, Kevin Rivara, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to utilize a portion of the first floor of the premises presently occupied by his residential landscape design business as a retail lawn mower and related equipment sales and service business. Two employees would be required for the operation of the business. Four on-site parking spaces would be allocated to the applicant. The applicant also proposes to display products for sale on the outside of the building during business hours. 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 with the condition that no outside storage or display of products will be permitted except during business hours.
  
5. With regard to the application of **Hawthorne Farmer's Marketown LLC**, Kevin Kim, owner, appeared on behalf of the applicant. Ms. DiMattia recused herself from hearing this application. After being sworn, Mr. Kim testified that that the applicant proposes to lease the subject premises as a farmer's market for the retail sale of fresh produce, groceries, dairy products, meat and fish, fresh flowers and plants. Fifteen to thirty employees would be required for the operation of the business. The business would utilize the entire existing building on the premises. The applicant has obtained permits for repairs to the roof and re-paving the parking lot. No other exterior changes to the premises are proposed. Based on a question raised by a member of the public regarding a conflict with the applicant's name, the applicant agreed to change its name to Hawthorne Marketown LLC. A motion was then made by Vice Chairman Lucibello, seconded by Mr. Ruta and approved by a vote of 6-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney subject to the following conditions: Repaving of the parking lot and striping with 10 foot x 20 foot parking spaces, deliveries are limited to 7 A.M. through 10 P.M., screening of the dumpster area behind the building, no exterior sales of products are permitted, no outside storage of products or equipment overnight is permitted and the name of the applicant shall be changed to Hawthorne Marketown LLC.
  
6. With regard to the application of **All Season Dining & Catering**, Yvette Aitkens, owner, appeared on behalf of the applicant. After being sworn, she testified that the applicant proposes to lease the premises as a restaurant. The site was previously used as a buffet style restaurant but the applicant will offer table service. The applicant proposes to add a portable storage shed in the rear corner of the property as well as seasonal outdoor seating for approximately ten people in the back of the existing building. Approximately fifty-four on-site parking spaces are available. Thirty-nine full and part-time employees would be required for the operation of the restaurant. A motion was then made by Ms. DiMattia, seconded by Mr. Matthews and approved by a vote of 6-1 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 **Cornett Family Trust**, Mr. Monaghan reported the receipt of a letter dated September 2, 2010 from Darryl W. Siss, Esq., the applicant's attorney, requesting that the application be adjourned to the Board's October 5, 2010 work session. A motion was then made, seconded and unanimously approved to grant the adjournment request.
2. With regard to the application of **Gimmee Jimmy's Cookies**, the Board directed Mr. Monaghan to re-send a letter to the applicant regarding the approved hours of operation.

## NEW BUSINESS

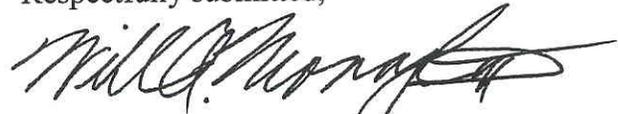
1. The Board conducted a courtesy review of plans submitted by the Hawthorne Board of Education for upgrades to the high school track and field. Richard Wostbrock, P.E., of LAN Associates appeared on behalf of the Board of Education. After being sworn, he was permitted to testify as an expert witness. He advised the Board that the project was being considered as a capital improvement and consisted of the replacement of the track surface and replacement and relocation of four pole lighting fixtures outside of the track. Board engineer, Michael J. Kelly, submitted a report dated September 7, 2010 regarding his review of the plans. He requested that Mr. Wostbrock provide the proposed lighting levels and shielding for the new fixtures and Mr. Wostbrock agreed to provide the information.

## PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:05 P.M.

Respectfully submitted,



William A. Monaghan, III  
Board Attorney/Secretary