

## **Hawthorne Planning Board Minutes of June, 2010 Regular Meeting**

The June, 2010 regular meeting of the Hawthorne Planning Board was called to order on June 15, 2010 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 Mayor Goldberg and Mr. Matthews 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.

### **MINUTES**

1. On a motion made by Ms. DiMattia and seconded by Vice Chairman Lucibello, the Board approved the minutes of the May regular meeting and June work session.

### **CORRESPONDENCE** – None

### **BILLS**

1. A motion was made by Mr. Ruta, seconded by Mr. DeAugustines and approved by a vote of 7-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 986573 in the amount of \$17.94.

### **RESOLUTIONS**

1. With regard to the application of **Sub-Urban Vinyl Toys & Art LLC**, a motion was made by Vice Chairman Lucibello, seconded by Ms. DiMattia and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its May 18, 2010 meeting.
2. With regard to the applications of **Hawthorne Auto Mart Inc. II, J.V. Dental Laboratory Inc.** and **Mac Wisdom Inc. dba Yum Yum Bubble & Puff**, a motion was made by Mr. DeAugustines, seconded by Vice Chairman Lucibello and approved by a vote of 5-0 to approve resolutions memorializing the actions taken by the Board at its June 1, 2010 meeting.

### **CERTIFICATE OF COMPLIANCE PLAN REVIEW**

1. With regard to the application of **Goffle & Hawthorne LLC**, Ralph E. Faasse, Esq. appeared as attorney for the applicant. He advised the Board that the applicant proposes

to lease a portion of the subject premises for a Dunkin Donuts store to replace the ice cream parlor previously located at the site. He called as his first witness, Bruce D. Rigg, P.E., L.S., P.P. who, after being sworn, was permitted to testify as an expert witness. He indicated that he prepared the plan submitted in support of the certificate of compliance application. He stated that the site has frontage on Goffle Road and access to Mohawk Avenue. The existing sign would be replaced and the parking lot would be re-stripped, resulting in the addition of seven new spaces. Mr. Rigg gave his opinion that the parking layout would comply with the Borough parking ordinance. Based on comments from Board members, Mr. Rigg agreed to revise the plans to make the customer parking spaces 10' by 20'. He further indicated that no variances were required for approval of the application, no new pavement would be installed and no changes were proposed for the exterior lighting.

Mr. Faasse called as his next witness Mohammed N. Haque, member of the applicant limited liability company. After being sworn, he testified that the contents of the business profile submitted in support of the application are true and accurate. He stated that no baking would be done on the premises and that six employees would be required on site at one time. The proposed store would be based on a new design called "Dunkin 2015". There would be no drive-up or drive-thru window and no ice cream store.

Mr. Faasse called as his next witness Edward A. Easse. After being sworn, Mr. Easse was permitted to testify as an architect and planner. He advised the Board that he prepared the architectural plans for the applicant to include a changed façade and improved aesthetic appearance for the proposed store. The interior would provide seating for 14 people with a substantial portion of the interior space devoted to a cooler, freezer and associated equipment. He offered his opinion that the proposed business would be an improvement to the area from a planning standpoint.

The hearing was opened for public comment without response. After brief discussion, a motion was then made by Mr. Ruta, seconded by Ms. DiMattia 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 the plans would be revised to provide that the customer parking spaces would be ten feet by twenty feet.

### OLD BUSINESS

1. With regard to the application of **Gimnee Jimmy's Cookies** to expand its retail business hours to 7 A.M. to 7 P.M., Mr. Monaghan reported that the business hours of Red Ribbon Pretzel Company, the other business at the site, commence at 8 A.M., not 7 A.M. as stated by the owner of Gimnee Jimmy's Cookies in his letter to the Board. After further discussion, including concerns expressed by Mr. Matthews at a prior meeting regarding traffic conditions in the area during school hours, the Board declined to grant the applicant's request to open at 7 A.M. but had no objection to 7 P.M. closing.
2. With regard to the application of **JTR Family Realty LLC**, Mr. Monaghan noted that the temporary certificate of compliance issued to the applicant will expire at the end of

June. Mr. Monaghan reported the receipt of a letter from the applicant's commercial real estate broker indicating that the latest prospective purchasers of the property had withdrawn their offer. This matter will be listed on the agenda for the July work session pending a response from the applicant to Mr. Monaghan's previous correspondence.

**NEW BUSINESS**

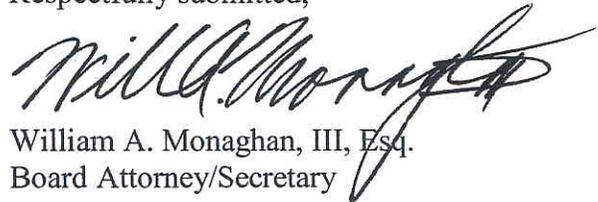
1. Based on the absence of Mayor Goldberg and Mr. Matthews, the discussion of the Master Plan Re-Examination was deferred to the July work session.

**PUBLIC**

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:40 P.M.

Respectfully submitted,



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