

**Hawthorne Planning Board
Minutes of December, 2010 Regular Meeting**

The December, 2010 regular meeting of the Hawthorne Planning Board was called to order on December 21, 2010 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 Mr. Ruta 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 Mr. Matthews and seconded by Ms. DiMattia, the Board approved the minutes of the November regular meeting and December work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Ms. DiMattia, 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. 986954 in the amount of \$14.04.

RESOLUTIONS

1. With regard to the application of **Churchill Furniture, L.L.C.**, a motion was made by Mr. Matthews, seconded by Ms. DiMattia and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its December 7, 2010 meeting.
2. With regard to the application of **Eric's Auto Sales**, a motion was made by Ms. DiMattia, seconded by Mr. Kowalski and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its December 7, 2010 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **PRT Realty, L.P.**, Ralph E. Faasse, Esq. appeared as attorney for the applicant. He advised the Board that the applicant is the owner of the

subject property and is making the application on behalf of Nylok, LLC, a proposed tenant. Mr. Faasse called as his first witness Richard D. Thomas, principal of the property owner. After being sworn, Mr. Thomas testified that the proposed tenant, Nylok, LLC, is a present tenant at the site and is seeking to expand its operation. He indicated that he has personal knowledge of Nylok's business from a long standing landlord-tenant relationship. He advised the Board that Nylok applies nylon finish to nuts and bolts for use in government defense contracts and automotive industry applications. The proposal would add 9,600 square feet to Nylok's operation at the site, but no additional employees would be required.

Mr. Faasse called as his next witness Edward A. Easse, the applicant's architect. After being sworn, he was permitted to testify as an expert witness. He indicated that he prepared the architectural plans submitted in support of the application. He described the interior changes to combine the space presently occupied by Nylok with the proposed additional space. He advised the Board that the only proposed exterior change is a new 28' by 50' canopy. He indicated that the site has sufficient parking for Nylok's employees and adequate truck access. 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 including approval to enclose the canopy at a later date without the necessity for review by the Planning Board.

OLD BUSINESS

1. With regard to the application of **The Cornett Family Trust**, Mr. Monaghan reminded the Board that he had previously recused himself based on representation of the applicant on other matters. Borough attorney Michael J. Pasquale appeared as Board attorney for this application. Darryl Siss, Esq. appeared as attorney for the applicant for a continuation of a work session review which was commenced several months ago. He indicated that the subdivision application had been amended from the initial proposal for three lots with a cul-de-sac to a revised proposal for two lots, both of which exceed the lot area requirement, without a cul-de-sac. He acknowledged receipt of a report from Board engineer Michael Kelly dated December 6, 2010. He then introduced Bruce D. Rigg, P.E., the applicant's engineer, to make an informal presentation of the revised proposal. Mr. Rigg described the revised plans dated November 30, 2010. As an alternative to a cul-de-sac at the end of Manchester Avenue, the applicant proposes the vacation of the road at its present terminus. Mr. Rigg offered his opinion that the revised plan provides a better location for the proposed residence on the lot to be created. The new lot would be served by a well. Mr. Rigg described the variances required for approval of the subdivision and provided a diagram to illustrate his calculation of average lot width based on the irregular shape of the proposed lot. Mayor Goldberg indicated that an interlocal agreement between Hawthorne and North Haledon would be required to provide municipal services to the new residence. Mr. Pasquale questioned the need for an additional variance for the minimum distance between driveways.

Mr. Rigg stated that no changes were proposed to Manchester Avenue except its termination in a "stub road". In response to a question from Mayor Goldberg, Mr. Siss indicated that although North Haledon could assert technical jurisdiction, he would request that North Haledon not require submission of a formal subdivision application since the proposal would have no impact on North Haledon with regard to zoning/land use. He concurred, however, that an interlocal agreement would be required for all major municipal services including police, fire, sewer and garbage.

The hearing was opened for public comment. Peter Sloomaker, chairman of the North Haledon Planning Board, offered his opinion that the critical issue for approval of the application is resolution of the interlocal services issue. Mayor Goldberg agreed to initiate discussions with North Haledon on a possible interlocal services agreement. No further hearing date on the application was scheduled pending the outcome of the discussions on interlocal services.

2. With regard to **JTR Family Realty LLC**, Mr. Monaghan advised the Board that the six-month extension of the temporary certificate of compliance previously approved by the Board will expire at the end of the year. Mr. Monaghan also indicated that he has received no communication from the property owner regarding the status of the property. After brief discussion, the Board directed Mr. Monaghan to request that the property owner appear at the Board meeting on January 4, 2011 regarding the expiration of the temporary certificate of compliance.

NEW BUSINESS

1. After brief discussion, the Board unanimously approved a motion to adopt a schedule of meetings for the calendar year 2011. Mr. Monaghan will provide a copy to the Borough Clerk for posting on the Borough bulletin board and will make arrangements for publication of the schedule in the Hawthorne Press.
2. With regard to the application of the **Estate of John Englehardt**, Ralph E. Faasse, Esq. appeared as attorney for the applicant. He made a brief opening statement in which he indicated that the applicant is seeking approval for a subdivision with bulk variances in order to sell the existing buildings on the site as separate parcels. He acknowledged receipt of the Board engineer's report dated December 13, 2010 and indicated that proof of service and publication had been submitted. Brief discussion took place regarding possible use of one of the properties as a "public garage" as defined in the zoning ordinance, but since the proposed lot would meet the area requirement, Board members were satisfied that no zoning issue was involved in the present application.

Mr. Faasse called as his first witness Paul Englehardt. After being sworn, he testified that he is the executor of the estate of his late brother, John Englehardt, owner of the subject property. He indicated that the two existing buildings on the site have been used for many years as an auto body shop and an office, respectively. The buildings are joined in the front and rear with an open area between them. He has been unable to sell

the buildings as a package, but has letters of intent from prospective buyers subject to the subdivision.

Mr. Faasse called as his next witness Edward A. Easse, R.A., P.P., the applicant's architect. Based upon his credentials and his numerous appearances before the Board, he was permitted to testify as an expert witness. After being sworn, he indicated that he prepared the architectural plans submitted in support of the application. He described the existing buildings on the site as having different facades and different roofs. He stated that, although connected, the buildings are independent of each other with separate heating systems and utility connections. He advised the Board that the lot sizes are conforming and the buildings were constructed prior to enactment of the zoning ordinance. He indicated that the variance conditions would exist whether the subdivision is approved or denied. He offered his opinion that the granting of the requested bulk variances would not be detrimental to the public good and would not substantially impair the purpose of the zoning ordinance. With regard to the proposed lot line, Mr. Easse stated that removal of the sections connecting the two buildings would be impractical and provides justification for a waiver from the ordinance requirement that side lot lines should be at right angles to straight streets. He further offered his opinion that the two existing buildings are structurally independent.

Mr. Faasse called as his next witness Bruce D. Rigg, P.E., the applicant's engineer. Based upon his credentials and his numerous appearances before the Board, he was permitted to testify as an expert witness. After being sworn, he indicated that he prepared the engineering plans submitted in support of the application. He described the variance requests required for approval of the application. He indicated that the subdivision would divide the site into two separate lots with an existing building on each lot. He stated that based on the low activity on the street, the subdivision would have a minimal impact on the area and that the existing parking is adequate. No exterior changes to the buildings are proposed although some utilities may need to be relocated. He confirmed Mr. Easse's testimony that the irregular alignment of the proposed subdivision line is dictated by the shape of the existing buildings. With regard to the non-conformity in parking space size and number of spaces for proposed Lot 21.02, Mr. Rigg noted that the condition is pre-existing and offered his opinion that the number of spaces is adequate for a proposed office use.

Board engineer Michael J. Kelly reviewed the existing variance conditions noted in his report dated December 13, 2010. He also listed the waivers from the subdivision checklist requested by the applicant and advised the Board that he had no objection to the granting of the waivers, including the requirement that lot lines should be at right angles to straight streets.

Mr. Faasse indicated that he had concluded his presentation on behalf of the applicant. The hearing was opened for public comment without response.

After brief discussion among Board members in which no opposition to the application was expressed, a motion was made by Mayor Goldberg, seconded by Mr. Matthews and

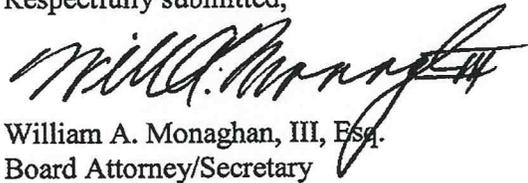
approved by a vote of 7-0 to grant the application for preliminary major subdivision approval and bulk variances subject to preparation of a memorializing resolution by the Board attorney.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:55 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William A. Monaghan, III".

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