

**Hawthorne Planning Board**  
**Minutes of August 2022 Regular Meeting**

The August 16, 2022 regular meeting of the Hawthorne Planning Board was called to order at 7:00 P.M. by Vice Chairman Lucibello. After recital of the Pledge of Allegiance, Vice Chairman Lucibello called the roll. All members and alternates were present as well as, Board attorney Darryl Siss Esq., secretary Janice Patmos, and Michael J. Kelly P.E. absent from the meeting was Chairman Garner and Mr. Verrengia. Vice Chairman Lucibello 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 Mr. Meier the Board approved the minutes of the July regular meeting with the correction.

**BILLS**

1. A motion was made by Mr. Matthews and seconded by Mr. DeAugustines and approved by a vote 7-0 to approve payment of the bill for North Jersey Media Group for Invoice No. 0005326352 in the amount of \$ 26.10.

**RESOLUTIONS**

1. With regard to the Master Plan Reexamination Report, a motion was made by Mr. De Augustines, seconded by Mr. Meier and approved by a vote 7-0 to approve a resolution memorializing the actions taken by the Board at its July 19, 2022 meeting.
2. With regard to the application of KCI, Inc., a motion was made by Mr. De Augustines, seconded by Mr. Meier and approved by a vote 7-0 to approve a resolution memorializing the actions taken by the Board at its July 19, 2022 meeting.
3. With regard to the application of Apex Motors II, a motion was made by Mr. De Augustines, and seconded by Mr. Matthews and approved by a vote 6-1 to approve a resolution memorializing the actions taken by the Board at its July 19, 2022 meeting.

**CERTIFICATE OF COMPLIANCE PLAN REVIEW –**

With regard to the application of JVC Motors, Inc., Ms. Catherine Holtham and Mr. Joe Esposito appeared on behalf of the applicant. After being sworn in, they testified that they propose to lease the property to operate as a used car dealership. The property is currently vacant and under litigation, the building is not being foreclosed on yet. Ms. Holtham has agreed to lease the building while trying to get the franchise from Nissan. Her ultimate goal is a new franchise there. She

would like to put a new pre- owned operation first to help pay for the building. Mr Demetrakis has had the electric and water turned off, she had to put in space heaters so the pipes would not freeze. She stated that the old Fisher Tile building was boarded up at one point, but it is now all open and anyone can go in there. Eventually her plan is to put a service site in there. It is going to take her some time to talk to Nissan and get the approvals. She has to work with their litigation department, and said it would be nice in the interim to earn some money by selling pre-owned Nissan on that particular lot. Glen Motors is her Toyota franchise. Her father started out in 1958 on Lincoln Avenue selling used cars. In 1968 he bought the franchise and Toyota wanted them on the Highway and they relocated to Fair Lawn. She is currently doing a very large renovation there and would like to move her support staff into the Goffle Road building. This would be until construction ended in about 9 months.

Vice Chairman Lucibello asked, referencing the shaded area on the drawing are you planning to occupy both buildings, the original show room and the Tile Co.? Ms. Holtham will only occupy the 1 story stucco building. The Tile building needs major renovations and she is not going to put that kind of money into it unless she has the franchise. She will board it up, make it secure and make it look a little better, and keep the property around it looking nice. Vice Chairman Lucibello also asked the lay out here shows the parking of cars, will they all be pre- owned vehicles or will there be any new vehicles? Ms. Holtham said it will just be pre-owned. Vice Chairman Lucibello asked her if she is bringing any new Toyotas there at this location. Ms. Holtham said no just pre- owned She stated she would like to bring some Toyotas over there, it would be a big help to her. Mr. Siss advised the board that this Zone is specifically, not Zoned for used cars. This board does not have the authority to grant approval for a used car location without new cars. Mr. Siss stated that it has to be a new car dealership. Mr. Matthews asked what if she were to bring a couple of new cars over to make this happen? Mr. Siss replied if she's a new car dealership and asked if she could use this location as a new car dealership; for Toyota? She said Toyota will temporarily allow her to do it during construction. Mayor Lane asked if she could provide us with a letter from Toyota saying that. Ms. Holtham said she could ask them. Mayor Lane said we would need some type of documentation from Toyota saying yes, they approve of you selling new cars there. Mr. Siss told her its not that the Board doesn't like the application, it's a jurisdictional issue, we don't have the authority to say yes. You can't put used cars there unless you have new cars there and have the right to have new cars there. Ms. Holtham said it is a little more difficult than getting a letter from Toyota. She would have to change her whole motor vehicle license. Mr. Siss told her that she can get an approval, but it's a different Board. Vice Chairman Lucibello told her she would have to put new Nissan cars on the property. Ms. Holtham said that she does not have new Nissan franchise yet, it's in litigation, she is currently working to buy the property. Nissan won't give a new franchise unless Mr. Demetrakis turns in his. And he won't do that because he is in a law suit with Nissan. Mr. Matthews asked what if the Fisher Tile side had 6 new cars on it so it would basically be a new car lot temporarily it's a Toyota dealership at that

point. Mr. Siss stated the Toyota would have to recognize it as a new car dealership, and would need something in writing. Mr. Matthews said you are not really moving your dealership, you are temporarily putting new cars for sale. Mayor Lane said your application does say new and pre-owned vehicles. Her intentions are to start getting the new car franchise from Nissan with the option to buy and hopefully it will come about. She has been working on this for over a year, and has come up with a price. She has a document from Mr. Demetrakis on the purchase of the land, that he will relinquish the franchise to Nissan who can now award it to her. She has already been approved with Nissan. Mayor Lane told her we love to have that property cleaned up, it's an eye sore; but we do have an ordinance. If you can give us some type of guarantee either from Nissan or Toyota, that yes you can put new cars there, if not you will need a variance with the Board of Adjustment. Ms. Holtham responded by saying Nissan will not give anything right now because they are in litigation, until the property is purchased their hands are tied. Vice Chairman Lucibello asked if she has a used car license, she can get one but in order to do that she needs a building. Mr. DeAugustines said if she needs this Board or the town to approve her for a used car dealer license they will, she stated she's not here for a used car dealer. Mr. Siss stated she needs to go to the Board of Adjustment for approval of a used car dealer, not that the Board wouldn't approve you; they have the right to say you can do used cars on a temporary basis and whatever conditions they want to impose. Mayor Lane asked how long would it take to talk to Mr. Demetrakis and see about the dealership? When Mr. Demetrakis signed off on it, he would relinquish the franchise upon her purchase of the building. She has submitted that to Nissan financial department. I previously negotiated the price of the building. It will take a month to get an appraisal on the property, I am still committed to my offer of 3.1. The property has gone down in value not up in value. Vice Chairman Lucibello said he was sorry but she has to go to the Zoning Board of Adjustment. Ms. Holtham asked if they could grant her permission to go there with her staff, not cars, just her office staff. Mr. DeAugustines was going to suggest that, it would just be as a business, which would be fine. Mayor Lane said it was a business before and I don't see any reason it can't be a business again. Just a business not a used car dealership. Vice Chairman Lucibello told her that she would be leasing an office building. Mr. DeAugustines told her this would give her time to get to the Zoning Board which meets the 3<sup>rd</sup> Monday of every month. She will need to notice and publish, you will have to call your attorney as soon as you can. Mr. DeAugustine questioned the Board, are they ok with it being an office? Mayor Lane asked with the office staff going in the building, will you be cleaning up the building? She replied yes. Mayor Lane asked, will the exterior of the building also be cleaned up? She replied yes. She asked if she could deliver cars out of there, not selling just delivering new Toyota's not used. Vice Chairman Lucibello asked if they would be parked on the lot, Ms. Holtham said they would be parked at Toyota, when they get sold, they would go there for detailing and paper work. Vice Chairman Lucibello did not see a problem with that. Her sales people will be on Maple Avenue, if her inventory did come back, she would

consider putting cars on Goffle Road. At the present she has 18 cars. Mr. Matthews asked if Premio trucks were parked there. Mayor Lane replied he drove the whole property today and no vehicles were there, no trucks, no box trucks, A motion was then made by Mr. Matthews, and seconded by Mr. Meier and approved 7-0 to grant the application for office space and delivery of cars subject to preparation of a memorializing resolution by the Board attorney.

With regard to the application of Falconi Appliances Outlet, Paul Falconi owner and his daughter Lina Falconi appeared on behalf of the applicant. After being sworn in, they testified that they propose to lease the property for the retail sale of appliances. They are very excited to be a part of Hawthorne for their family business. She would like to share a little about their story. Falconi Appliances was first established in 2013 in Englewood, New Jersey, where they currently have their warehouse. The company was started by her father, Paul Falconi at a young age. Her father has instilled in his children the importance of hard work and family. This is why he encouraging his children to work hard for their goals. Their goal has always been to provide top home appliances, open box at a discounted price accessible to everyone. Falconi Appliances is looking forward to providing top service for the customer in the community of Hawthorne and the neighboring towns. They are looking forward to this new opportunity and to be here tonight. Mr. Matthews asked if they were the corner store, Mr. Falconi answered yes. Mr. Meier asked if this was going to be their second location, Mr. Falconi answered yes. Vice Chairman Lucibello stated according to your application you have 3 parking spaces allocated to you, are they in front of the building? Mr Falconi answered yes. Mayor Lane asked if he was going to have any outside storage? Mr. Falconi answered no. Vice Chairman Lucibello asked about deliveries, how are they made by trailer, box truck? Mr. Falconi said they are made by small trucks 26 or 16 footer. Vice Chairman Lucibello asked if they were made during business hours or after hours. Mr. Falconi answered yes, we use a small truck for local deliveries. Mayor Lane asked if he had any parking across the street for his employees? Mr. Falconi answered yes, we do have more spots 2 or 3. Mr. Kelly asked for local deliveries do you keep that truck on site? Mr. Falconi, answered no, it's a family truck. Mr. DeAugustines asked so your big deliveries go to Englewood? Mr. Falconi, answered yes. Mr. DeAugustines then you bring them here on a small truck? Mr. Falconi, answered yes. Mr. DeAugustines asked so we won't have tractor trailers. Mr. Falconi, answered no. Mr. Siss asked when do you get product deliveries to the store? Mr. Falconi said once a week on a 26 or 16 footer. Mr. Siss asked if that size truck will be able to park in the parking lot? Mr. Falconi answered yes. A motion was then made by Mayor Lane, seconded by Mr. Matthews and approved by a vote 7-0 to grant the application for Certificate of Compliance for plan review subject to preparation of a memorializing resolution by the Board attorney subject to no outside storage.

#### **NEW BUSINESS-None**

#### **OLD BUSINESS-**

With regard to 89 Ethel Avenue, LLC., this application has been carried to the regular meeting in September without further notice.

**PUBLIC**

The meeting was then opened for public comment without response.

The meeting was then adjourned at 8:40.

Respectfully submitted,

Janice Patmos

Board Secretary



