

**HAWTHORNE PLANNING BOARD**  
**Minutes of February, 2021 Regular Meeting**

The February, 2021 regular meeting of the Hawthorne Planning Board was called to order on February 16, 2021 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 Michael J. Kelly, P.E, Board engineer, Board attorney Mr. Siss Esq., Secretary Janice Patmos and attorney Mr. James Delia Esq. Absent from the meeting was Chairman Garner. Janice Patmos 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 Mayor Goldberg and seconded by Mr. Matthews the Board approved the minutes of the February work session.

**CORRESPONDENCE-None**

**RESOLUTIONS-None**

**CERTIFICATE OF COMPLIANCE PLAN REVIEW-None.**

**NEW BUSINESS –**

With regard to the amended preliminary and final site plan for 293 Lafayette LLC, Robert Landel E. Esq., appeared as attorney for the applicant. Mr. Siss recused himself and Mr. Delia was the attorney for this application. He gave the Board a brief overview of the application for amended site plan approval. The subject property is located in the Central business district. The amended site plan also includes lot 12, the adjacent lot as a result of the cross parking between two properties. The applicant is seeking an amended site plan approval from the Board to allow the owner to construct residential units on the second floor. This Board previously granted the site plan approval to construct the existing building. The resolution was dated October 8, 2016. The prior application called for medical offices on first and second floor. They are seeking no changes to the exterior of the building, only the interior changes. The only change to the site plan is a barrier pad for a generator to the rear of the buildings right side.

Mr. Landel called his first witness Mr. Bruce Rigg, P.A. and based on his numerous appearances before the Board, he was offered and accepted as an expert witness. After being sworn, he testified that he also prepared the plans in 2016. Mr. Rigg

testified that he made some very minor revisions to the plan, they had to modify the property owners list on page one, on page three the generator area was changed to the easterly side of the building closer to Grand Avenue and they changed the use on the second floor to residential. This will reduce the parking requirements which are reflected on the site plan. Mr. Rigg used Hawthorne's requirements, two spaces per apartment which gives them a surplus of parking spaces. Mr. Rigg also testified all variances were previously granted back in 2016. Mr. Rigg stated that the parking spaces are in conformance with the ADA requirements. The total number of parking spaces required is 46, with the easement agreement they will provide 56 parking spaces. Mr. Rigg was not aware of the door being removed on the west side and he stated that the concrete should be removed to add additional landscaping. Mr. Rigg didn't know if there would be designated spaces, but it would be his recommendation that the 9 spaces on the northeasterly corner be dedicated to the residents.

Mr. Kelly asked if there is adequate area for refuse and recycling. Mr. Rigg response was that there is an area in the south east corner of the property. Mr. Kelly question how long the parking agreement is for and asked if the Theater is sold do the rights to the easement go to the new owner? Mr. Landel will look in to it and make sure there are no restrictions.

Mr. Landel called his next witness Edward A. Easse, R.A., P.P., the applicant's Architect and planner. After being sworn, he was offered and accepted as an expert witness. He indicated that he prepared the plans in support of the application. Mr. Easse was the architect who also developed the plans back in 2016. He stated that the building is 95% complete and decided to put in 5 residential units. The first floor will comply to the B-2 zone and the entire second floor will be apartments. There are no changes proposed to the exterior of the building, only to the interior. Mr. Easse also addressed the removal of the door and that there was no reason the landscaping couldn't continue. Mr. Landel asked whether or not storage would be available for the residents? Mr. Easse testified that in the basement they would put aside an 8 by 8 cubical area made out of fence. Mr. Landel questioned the unit with the den. Mr. Easse testified that the den was not designed to be used as a bedroom, there will be no closet. There will be 3 one bedroom units and 2 two bedroom units. The air conditioning units will be located on the roof. The sprinkler system meets the requirements of residential living.

Vice Chairman Lucibello asked if there would be any affordable units. Mr. Landel stated his client constructed the property for commercial use, as it would be a hardship. If he had to it would be unit D. Mr. Easse stated that unit D consists of a bedroom, kitchen, dining room, living room and is ADA compliant.

Vice Chairman asked if there were any questions from the Board. Mayor Goldberg are you doing any changes to the elevator now that it's not being used for medical on both floors? Mr. Easse answer no. Mayor Goldberg then asked if the tenants have access to the use of the elevator? Mr. Easse testified they will be putting in a key card so that the residents can come in from the lobby and either go to the basement

or second floor. Mayor Goldberg asked Mr. Landel, if the application was in compliance and the answer was yes. Mr. Kelly had concerns regarding den being used as a bedroom, and asked that they include it in their lease agreement that it could not be used as a bedroom. Mr. Landel concluded his presentation on behalf of the applicant. The hearing was then open to public comment without response.

A motion was then made by Mr. Matthews, seconded by Mr. DeAugustines and approved by a vote 7-0 to grant the application for amended site plan approval subject to preparation of a memorializing resolution by the attorney with the following conditions: (1) that one unit will be affordable under the COAH standards; (2) that the den not be considered as a bedroom.

With regard to the County of Passaic Rea Avenue athletic field improvements, a discussion then took place among the Board members. Concerns were expressed over the score board and retaining wall.

The meeting was then opened for public comment without response.

The meeting was then adjourned at 7:42.

Respectfully submitted,

Janice Patmos  
Board Secretary