

Hawthorne Planning Board Minutes of November, 2017 Regular Meeting

The November, 2017 regular meeting of the Hawthorne Planning Board was called to order on November 21, 2017 at 7:30 P.M. by Vice Chairman Lucibello. After recital of the Pledge of Allegiance, Vice Chairman Lucibello called the roll. All members and alternates except Chairman Garner, Mr. Ruta and Mr. Meier were present as well as Board attorney/secretary William A. Monaghan, III, Esq. and Board Engineer Michael Kelly. 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. DeAugustines and seconded by Mrs. Zakur, the Board approved the minutes of the October regular meeting.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Matthews, seconded by Ms. DiMattia, and approved by a vote of 5-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 990954 in the amount of \$32.76.

RESOLUTIONS

1. With regard to the application of **NT Trading**, a motion was made by Mr. DeAugustines, seconded by Mayor Goldberg and approved by a vote of 6-0 to approve a resolution memorializing the action taken by the Board at its October 17, 2017 meeting.
2. With regard to the application of **Hawthorne Fire Company No. 4**, a motion was made by Mrs. Zakur, seconded by Mayor Goldberg and approved by a vote of 4-0 to approve a resolution memorializing the action taken by the Board at its September 19, 2017 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Mak Link, LLC**, Mr. Monaghan advised the Board that the applicant had not provided the required number of copies of the application and the hearing will be re-scheduled when the applicant has submitted the necessary documents.

OLD BUSINESS

1. With regard to **J. Blanco Associates, Inc.**, Patrick De Marco, Esq. appeared as attorney for the applicant, together with Victor Ramos, owner of the applicant. Mr. Ramos was placed under oath. Mr. Monaghan reviewed the prior Board proceedings with regard to **J. Blanco Associates, Inc.** including certificate of compliance approval in 2011 and application for amended approval which was denied in 2014. As a result of summonses issued by Borough Code enforcement officials, Mr. Ramos was requested to appear before the Board to review the conditions of his approval with regard to outside storage of materials and outside fabrication activities.

Mr. Ramos then described in detail the nature of his business and the activities conducted at his premises. He provided a set of 24 photographs which were distributed to Board members. Mr. Ramos stated that no fabrication work is done outside of the premises. He also advised the Board that he is now the president of the industrial condominium association for the complex. He conceded that products are placed in the outside parking area while awaiting shipment to customers. Extended discussion took place regarding the definition of storage in the applicable Borough ordinance. Mr. De Marco argued that his client's activities do not constitute "outside storage." Mr. Monaghan advised the Board that there is no specific definition of "outside storage" in the Borough zoning ordinance. After further discussion, the Board agreed to continue this matter to the December 19, 2017 regular meeting. Mr. Ramos was requested to obtain a letter from the condominium association stating the association's position regarding his outside activities. Mr. De Marco was requested to provide a legal memo in support of his position. Mr. Monaghan was directed to review his meeting notes from the October 4, 2011 hearing regarding any discussion of outside storage and was also directed to contact Borough planner Joseph Burgis to obtain his input on the definition of outside storage.

NEW BUSINESS

1. In accordance with the provisions of the Municipal Land Use Law, the Board conducted a review of Ordinance No. 2199-17, introduced by the Municipal Council on November 13, 2017. Extended discussion took place regarding the reasons for the proposed amendment to the regulation of business hours within the Borough. Mayor Goldberg indicated that the governing body feels that the majority of residents are opposed to any businesses operating on a twenty-four hour basis in Hawthorne. Mrs. Zakur concurred but offered her opinion that the proposed changes would be too restrictive for businesses in a significant portion of the Borough. Discussion then focused on the geographic and time restrictions in the proposed amendment. At the conclusion of the discussion, a motion was made by Mrs. Zakur, seconded by Mr. De Augustines and approved by a vote of 5-1 to recommend revision of the proposed ordinance to include the entire B-1 and B-2

Zoning Districts, delete the reference to businesses located within 200 feet of a residential zone and revise the permitted business hours to between 6:00 A.M. and 11:00 P.M. seven days per week, excluding businesses with liquor licenses. The Board further directed Mr. Monaghan to advise the governing body that it considers the recommended revisions to be minor changes not requiring re-drafting of the proposed ordinance.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:00 P.M.

Respectfully submitted,

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