

Hawthorne Planning Board Minutes of May, 2017 Work Session

The May 2, 2017 meeting of the Hawthorne Planning Board was called to order at 7:35 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 Ms. DiMattia 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.

CORRESPONDENCE – None

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Garden State Recovery LLC**, Eugene Horvath, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease the subject premises for the operation of an automobile repossession company. The applicant repossesses vehicles at the end of lease terms or upon the death of lessees and holds the vehicles until claimed by the lessors. The facility would store vehicles only. No vehicle sales would be conducted, and no repairs or body work would be performed at the site. Vehicles would be towed or driven to the premises. The applicant would maintain an office on the premises. No exterior changes to the premises are proposed. A motion was then made by Mayor Goldberg, seconded by Mr. Kowalski 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 following conditions: Vehicles must be brought to the site by tow truck or flatbed truck; no car carriers are permitted to deliver vehicles to the site; no vehicle repairs are permitted at the site; the applicant will provide screening of the fence; the Planning Board retains jurisdiction of the application and will conduct a review of the terms of the approval six months from the date of approval and the applicant will erect a sign prohibiting left turns from the access driveway.

2. With regard to the application of **The Game Cave**, Tania Sanford and Jeremy Schwarz, co-owners, appeared on behalf of the applicant. Mrs. Zakur recused herself with regard to this application. After being sworn, they testified that the applicant proposes to lease the subject premises as a video gaming facility for children and adults together with retail sales of video games and accessories, and children's parties by reservation. Payment would be made using membership cards. Initially twelve computer stations would be utilized with a maximum of twenty-five to thirty if the business grows. Snacks and beverages would be available but no food would be prepared at the premises. Security measures would be employed to prevent inappropriate use of the computers. No unlimited internet access would be permitted. The co-owners would be the only full time employees with possible additional part-time employees to assist with supervision. Eight on-site parking

spaces are available with additional public parking along Grand Avenue. No exterior changes to the premises are proposed. A motion was then made by Mayor Goldberg, seconded by Mr. Kowalski 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.

3. With regard to the application of **The Knead U Need**, Samantha Boonstra, owner, appeared on behalf of the applicant. After being sworn, she testified that she proposes to lease one room in the subject premises for her massage therapy business. She has previously operated her business in other locations in the Borough and is proposing to relocate to downsize her business which is conducted by appointment only. She would operate the business by herself and she currently has a municipal license as required by ordinance. On-site parking is available and no exterior changes to the premises are proposed. A motion was then made by Mayor Goldberg, seconded by Mr. Matthews 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.

OLD BUSINESS

1. With regard to the application of **Royal Realty LLC**, Jerome A. Vogel, Esq. appeared as attorney for the applicant for work session review of the application. Vice Chairman Lucibello recused himself with regard to the application.

Mr. Vogel then gave the Board a brief overview of the applicant's proposal. He indicated that the applicant is the owner of four contiguous lots, each of which is presently occupied by a single family residence. The applicant proposes to consolidate and combine the four lots, demolish the existing structures and construct a new residential structure containing twenty-nine units with a mixture of one, two and three bedroom apartments. The property is located in the R-3 Zone and the number of units is permitted in the zone.

Mr. Vogel then reviewed the variances required for approval of the application. Although the application includes a height variance request based on a three story building, Mr. Kelly submitted a supplemental letter in which he offered his opinion that, based on the ordinance definition, the applicant's architectural design can be considered a two and one-half story structure.

The applicant's proposal exceeds the number of two bedroom units permitted under the ordinance. The proposed access drive width of 24 feet does not meet the ordinance requirement of 30 feet. With regard to screening, Mr. Vogel indicated that the applicant will meet whatever requirement the Board imposes.

He stated that the applicant can meet the ordinance requirement for bulk storage, but in order to comply, the amount of living space for the units would be reduced. He acknowledged that steep slope relief is required, but stated that the building would

be adapted to the slopes. The application would meet the on-site parking requirement by providing fifty-eight spaces, all located within the building.

Mr. Vogel concluded by advising the Board that he and his client had met with the neighbors' group represented by counsel and had changed the design of the building to accommodate the concerns of the neighbors and to try to make the appearance of the structure more residential in character.

Mr. Monaghan then requested comments from Thomas Behrens, a representative of Burgis Associates, the Board planner. He noted that the proposed parking space size (9' x 18') does not comply with the Borough ordinance requirement, but Mr. Kelly indicated that proposed size meets the requirement of RSIS.

Mr. Monaghan then questioned Mr. Vogel regarding the applicant's proposal for an affordable housing component as also noted in the Board planner's report. Mr. Vogel represented that the applicant would provide the required number of units to be designated and administered in accordance with the Borough's affordable housing plan.

Mr. Monaghan then requested comments from Board engineer Michael Kelly. In addition to the issues in his written report, Mr. Kelly requested that the applicant provide testimony regarding the adequacy of the number of parking spaces proposed by the applicant as well as traffic flow at the premises. The applicant must also provide information regarding waste pickup and confirm the adequacy of water supply for firefighting purposes. Confirmation that real estate taxes for the subject properties are current must also be submitted.

Mr. Monaghan advised Mr. Vogel that the Board is awaiting receipt of reports from the Police Department, Fire Department and Environmental Commission and copies will be provided to Mr. Vogel.

Susan Rubright, Esq., attorney for the Concerned Citizens of Hawthorne, then requested the opportunity to address the Board. She confirmed that she had met with Mr. Vogel to discuss her clients' objections and concerns and thanked Mr. Vogel for the applicant's efforts to address the concerns. She advised the Board that her clients still have questions about the proposals for landscaping and stormwater as well as the substantial variance from the maximum percentage of two bedroom units. She suggested that the inclusion of units with dens may raise a jurisdictional issue.

The hearing was opened for further public comment without response. Mr. Vogel was advised that the formal hearing on the application will be scheduled for the May 16, 2017 Board meeting.

NEW BUSINESS – None

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:00.

Respectfully submitted,

William A. Monaghan, III
Board Attorney/Secretary