

MINUTES OF THE WORK SESSION MEETING  
OF THE HAWTHORNE ZONING BOARD OF ADJUSTMENT  
DECEMBER 21, 2009

The December 21, 2009 work session meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:00 p.m. by Chairman Hallock. All members were present except Mr. Duffy. In addition, Charles C. Collins, Jr., Attorney/Secretary, and Michael Kelly, P.E., representing the Borough Engineer were present.

The agenda, bills of the Hawthorne Press for legal publication, Secretary/Attorney for services and postage and the minutes of the November meeting were reviewed.

Mr. Collins reported the results of the Luddy settlement conference and the request by Counsel to reopen the Lauren Enterprises application. It was decided to request a citation of authority for the Lauren request.

Mr. Collins next gave a report on the status of the Enterprise Outdoor Advertising litigation.

A request from Marilu Enterprises to expand the second floor uses at 312 Lafayette Avenue was referred to the Planning Board.

Respectfully submitted,

Charles C. Collins, Jr.  
Attorney/Secretary

**MINUTES OF THE REGULAR MEETING OF THE  
HAWTHORNE ZONING BOARD OF ADJUSTMENT  
DECEMBER 21, 2009**

The December 21, 2009 regular public meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:40 p.m. by Chairman Hallock. All members were present except Mr. Duffy. In addition, Charles C. Collins, Jr., Attorney/Secretary, and Michael Kelly, P.E., representing the Borough Engineer were present.

The Chairman announced that notice of the meeting had been published and posted in accordance with the requirements of the Open Public Meetings Act.

**Bills** On motion by Joustra, with second by Gallagher, the bills of the Hawthorne Press for legal publication in the amount of \$76.44 and the Board Secretary/Attorney for legal services, \$750.00 and \$37.50 and postage, \$170.76, were approved for payment.

**Minutes** On motion by Gallagher with second by DeRitter, the minutes of November 23, 2009, work and regular, and December 7, 2009, work and regular, Terraglia abstaining, were approved.

**Meeting Schedule for 2010** On motion by Schroter with second by Terraglia, the Board adopted the following dates for its meeting schedule for 2010: January 18, February 22, March 15, April 19, May 17, June 21, July 19, August 16, September 20, October 18, November 22 and December 20.

**Old Business**  
**Resolutions**

1. **Matter 98, a Corporation.** Block 166, Lot 1 and Block 131, Lots 31, 31 & 34 (per tax records) or Block 131, Lots 31.01 & 34 (per tax map sheet 13). On motion by Gallagher with second by DeRitter, Hallock abstaining, the Board

adopted a memorializing resolution granting an application to create a new parking lot removing an existing building and other improvements in the I-1 Industrial Zone.

At this point the meeting was joined by Jeff Morris, Professional Planner of Boswell Engineering representing the Board for the, **LLC 116 Washington Avenue** application.

**New Business**  
**Hearings**

The Chairman called for the hearing of the application of **116 Washington Avenue, LLC**, 116, 122 Washington Avenue, Lots 32 and 31, Block 29. Mr. Hallock started the hearing stating the instructions for participation in the hearing. The applicant was represented by Ralph E. Faasse, Esq., Carbone & Faasse, Esqs., 401 Goffle Road, Ridgewood, New Jersey who introduced the application as one for use and bulk variances and site plan and subdivision approvals for multi-family residential development in the R-2 Residence Zone. He stated that a portion of 122 Washington Avenue, owned by Washington Realty, LLC, would be added to 116 Washington Avenue which itself would be developed as a multi-family residence. "d" variances are required for the proposed use and for the proposed density. He outlined the bulk variances which would also be required, to wit, side yard, front yard, centerline setback, driveway turnaround, driveway access roadway width and fence height for 116 Washington Avenue. A variance from the Borough's requirements for parking space size is also required although the proposed space size would comply with the controlling RSIS standard. A side yard variance is needed for 122 Washington Avenue.

He introduced his witnesses, Joseph Della Buono, a principal, Edward A. Easse, Architect, Bruce Rigg, P.E. and L.S., and Calisto Bertin, P.E., Traffic Engineer. The qualifications of the professionals were accepted.

The first witness was Joseph Della Buono, who, with his brother, Anthony, is the owner of the applicant and Washington Realty, LLC. He described the building on 116 Washington Avenue as a commercial building and stated he and his brother could either develop the building for residences as proposed or leave it as it is, the financial effect to them being essentially the same. The reason for the election to develop for residence is the possibility of beautifying the building and the area. So the intention is to “retrofit” the building and create 10 two bedroom units and three one bedroom units to be rented. When asked, he was vague about the history of the building and its uses citing electrical and plumbing contractors, a book seller, computer and micro-filming operation, etc. A Phase I environmental survey was done before the property was purchased and no adverse environmental conditions were disclosed.

The next witness was Calisto Bertin who testified to a traffic impact study his firm had prepared. He described the train station and school that effectively “bookend” the property and account for a substantial part of the traffic flow. Traffic counts were taken in late September and disclosed no appreciable impact on the level of service at the intersection of Washington Avenue and Diamond Bridge Avenue. If the building were to be fully used for its commercial purposes the traffic impact would exceed that of the proposed use. Accordingly, his opinion is that the proposed use would improve the traffic conditions in the neighborhood. On the issue of the access drive width he recommends it stay at 20 feet but the Borough Engineer recommends 22 feet.

**Rosa Rodeiro**, 107 Washington Avenue, expressed concern about the on-street parking conditions and **Sean Mulligan**, 105 Washington Avenue, questioned the accuracy of the traffic counts and the proposed comparison of the project with the actual conditions presently at the building.

Mr. Bertin left at 8:33 PM.

The next witness to be called was Bruce Rigg, P.E. and L.S., who testified that his firm prepared the site, landscape, lighting, storm water runoff and soil movement plans.

He described the buildings and uses on the properties and amplified the bulk variances required previously stating that 122 Washington Avenue would need two side yard variances, single and combined, and 116 Washington Avenue would need an impervious coverage variance. The "d" variances are the multi-family use where a maximum of two families is permitted and a density of 2,723 sq. ft. per unit where 3,250 sq. ft. is required.

He described in detail the site plan, storm water report, soil movement, landscaping and lighting plans.

The Chairman expressed concern whether the Borough infra-structure could accommodate the sewage and storm water disposal and Rigg promised a report forthcoming on the matter.

Mr. Rigg next responded to the items raised in the letter of the Borough Engineer dated October 19, 2009 and the Board agreed that a variance for fence height exceeding six feet was required.

Finally, he asserted that no easements would be needed for construction of the retaining wall/fences and a vinyl covered chain link fence would be used.

**Dorothy Sanna**, 5 Royal Avenue, asked questions about lighting and screening for the west side of the property.

The Board took a short recess at 9:43 PM and resumed at 9:58 PM.

Edward A. Easse was the next witness who testified to the architectural aspects of the project. He stated that five feet of the existing building frontage would be removed to create sidewalk space and an additional floor would be

erected in the building to create two stories in the front and two and one half stories in the back internally. There would be full compliance with the requirements of ADA with ramping and an elevator. All floors could be accessed internally.

The existing building would account for 95% of the renovation and a two foot strip from 122 Washington Avenue would be added to 116 Washington Avenue to permit the installation of windows on the side of the building. No height variance would be required.

No member of the audience wished to question the witness and on motion by Gallagher with second by Joustra the matter was carried to February 22, 2010.

There being no further business to come before the Board on motion by Silvestri with second by Schroter, the regular public meeting of the Hawthorne Zoning Board of Adjustment for December 21, 2009 was adjourned at 10:29 PM.

Respectfully Submitted,

**Charles C. Collins, Jr.**

Attorney/Secretary