

RESOLUTION #2016-010

**RESOLUTION OF THE BOARD OF ADJUSTMENT
THE BOROUGH OF HAWTHORNE**

In the matter of:

**233 Central LLC (the “Applicant”)
Block 174, Lot 14 (the “Property” or the “Premises”)
Hawthorne, New Jersey**

WHEREAS, The Applicant made application to the Borough of Hawthorne Board of Adjustment for major soil movement in the amount of (a) 706 cubic yards of export; and (b) 231 cubic yards of soil (on site) and 475 cubic yards of imported soil to be used as backfill; and

WHEREAS, the Board reviewed this matter at its public hearing on October 17, 2016;
and

WHEREAS, after due consideration and deliberation at the aforementioned hearing, the Board did vote upon the Application and instruct the Board Attorney to prepare a Resolution memorializing the vote taken; and

WHEREAS, the Zoning Board of Adjustment of the Borough of Hawthorne makes the following findings of fact, based upon the evidence presented at its public hearing:

1. The Applicant is the owner of the Property. The Property is located in the B-1 District.
2. The Applicant has submitted satisfactory evidence of having given statutory notice pursuant to N.J.S.A. 40:55D-12.
3. In reviewing the Application presented by Applicant’s witness, Bruce Rigg, the Board finds that the proposal requested by the Applicant can be granted in this instance. It is noted that the soil removal for request is necessary in order to comply with NJDEP cleanup regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Hawthorne that the Application of 233 Central Avenue, LLC, with respect to the Property that:

1. The foregoing findings of fact and conclusions of law are incorporated herein as if set forth at length.
2. The Applicant shall obtain approval from all other governmental agencies having jurisdiction over the subject Application and development, if any.
3. The Applicant shall pay all fees due and owing to the Borough of Hawthorne, including the posting of any application fees, review fees, inspection fees and/or escrow fees which may be due, prior to the issuance of any building permits, if any.
4. The Applicant shall comply with all applicable rules, regulations, ordinances and statutes of the Borough of Hawthorne, County of Passaic and State of New Jersey with regard to the application.
5. The Applicant shall complete all soil movement operations no later than January 31, 2017.

The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on November 21, 2016.

Raymond Hallock, Chairman

Joan Herve, Board Secretary

OFFERED BY:
SECONDED BY:
VOTE: Ayes:
Nays: