

January 28<sup>th</sup>, 2019  
Hawthorne, NJ

The Reorganization Meeting of the Zoning Board of Adjustment of the Borough of Hawthorne was held on the above date at 6:50 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

**FLAG SALUTE**

Chairman Hallock invited all present to join him in the Pledge of Allegiance.

“Adequate Notice of this meeting has been posted on the Municipal Bulletin Board, published in the legal newspaper of the Borough and a schedule, including date and time, provided to all persons entitled by law to same. “

**ROLL CALL**

Chair.....	Raymond Hallock
Vice Chair.....	John F. Gallagher
Board Member.....	David A. Schroter
Board Member.....	Scott Chamberlin
Board Member.....	AnnaMarie Sasso
Board Member .....	Kevin Duffy
Board Member.....	Jack B. De Ritter
Board Member (Alternate #1).....	Victor Cuttitta
Board Member (Alternate #2).....	Eleanor C. Wenzke

Also present was Board Attorney, James Delia, Board Engineer, Mike Kelly and Board Secretary Joan Herve.

**REORGANIZATION**

Meeting is turned over to Secretary to accept nominations for office:

Board Secretary asked for nominations for Chairman. Motion by Gallagher to nominated Mr. Hallock as Chairman, seconded by De Ritter, on a roll call vote, all voted yes, with the exception of Hallock who abstained. Motion Carried.

Board Secretary asked for nominations for Vice Chairman. Motion by Hallock to nominated Mr. Gallagher as Vice Chairman, seconded by Sasso, on a roll call vote, all voted yes. Motion Carried.

Meeting is turned over to Chairman Hallock who calls for nominations for Secretary.

Chairman Hallock entertained a motion to appoint Joan Herve as Board Secretary; Moved by Gallagher seconded by Schroter, on a roll call vote, all voted yes. Motion Carried.

Chairman Hallock entertained a motion to appoint Jim Delia as Board Attorney; Moved by Gallagher, seconded by De Ritter, on a roll call vote, all voted yes. Motion Carried.

**BILLS:**

Chairman Hallock entertained a motion to approve the bill list and forward it to the Treasurer for payment, moved by Chamberlin, seconded by a Schroter. On a roll call vote, all voted yes. Motion Carried.

Hawthorne Press for Legal Notices: \$41.34  
Meeting Cancellation Notice: \$21.06

**APPROVAL OF MINUTES**

Chairman Hallock entertained a motion to approve the minutes of the Regular Meeting of November 19<sup>th</sup>, 2018 moved by Schroter, seconded by Chamberlin. On a roll call vote, all voted yes. Motion Carried.

**NEW BUSINESS HEARINGS**

**Mr. & Mrs. M. Tatora, 19 Hillcrest Avenue (block. 292 Lot 22)**

Board Member Chamberlin recused himself from this application as the applicant is a member of the Board of Education, where he is employed. Applicant was represented by Planner Ed Easse. Mr. Easse stated they are proposing to construct a 14 x 28 ½ feet long (2) story addition in the R-1 Single Family Zone, it’s a corner lot, where the house is situated on the lot, they are looking for relief for two conditions; a front and rear yard set-backs, applicant complies with all the requirements of the lot area. The existing house will not change except for an opening to get to the lower level to get into bathroom and bedroom and to get into the living into the family room. Applicant explained the reason for the addition he is looking to move-in his mother-in-law to accommodate their needs. Vice Chairman Gallagher asked the applicant if he is willing to put in a deed restriction to ensure this stays a (1) family resident. Applicant agreed. Discussion ensued whether the address of the home is considered Hillcrest or Highview. Board Engineer Mike Kelly stated from the zoning stand point in accordance with Section 540-11D Highview Terrace would be considered the front yard because it has a more narrow width. Borough Engineer suggested for the record his interpretation of the code and the variances he feels are needed should be measured from Highview Terrace;

Front yard set-back; 36.2 ft. existing, 50ft required.

Front yard set-back to Centerline of Right-of-Way a set-back of 61.2ft is proposed. It should be noted that this is an existing conditions. 75ft required.

Rear Yard Setback: 33.3 feet is proposed 50ft. required.

There are two other variances the applicant noted, as he believes Highview Terrace is the footage

Side yard set-back for the corner lot is met; therefore that variance is not required.

Minimum lot depth is also met and variance is not required.

Board Attorney suggested ruling in the Engineer’s interpretation, as this sets the baseline.

Chairman Hallock opened the meeting to the public. He stated if anyone desired to be heard on this application, please raise your hand to be recognized, come forward to the microphone state your name and address.

Seeing none, Chairman Hallock entertained a motion to approve application 19 Hillcrest Avenue as amended; to put in a deed restriction to ensure this stays a (1) family home and the new variance

numbers according to the Board Engineer, moved by Gallagher and seconded by De Ritter, on a roll call vote, all voted yes. Motion Carried.

**Miguel A. Perez Jr. /Theresa Tontodonati, 175/177 Cedar Avenue (block104, Lot 22)**

Applicant submitted incorrect plans to the board; therefore, the board determined this application was incomplete and this application is carried to the February 25, 2019 meeting. Applicant was informed he would have to re-notice.

Chairman Hallock entertained a motion to carry this application to the February 25, 2019 meeting, moved by Gallagher, seconded by Chamberlin, on a roll call vote, all voted yes. Motion carried.

**DISCUSSION**

Board Member Duffy discussed some concerns; he feels there are disadvantages hearing an application and making a decision in the same night. In the past, it was discussed in a work session prior to the application going forward. Attorney Delia stated by state law work sessions is no longer allowed. Discussion ensued. Other concerns are where we stand with the State ruling for affordable housing and what the responsibility of the municipality is. Chairman Hallock will contact the Borough Attorney to come to our next meeting to explain affordable housing to the board.

**ADJOURNMENT**

At 7:48p.m. Chairman Hallock entertained a motion to adjourn the regular meeting, moved by Schroter, seconded by Chamberlin. All in favor, "Aye".

THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT  
WILL BE ON  
**~MONDAY, FEBRUARY 25<sup>th</sup>, 2018 ~**  
THE WORK SESSION WILL BEGIN AT 6:45P.M. WITH THE REGULAR  
MEETING IMMEDIATELY FOLLOWING

Respectfully Submitted,  
*Joan Herve, Secretary*