

RESOLUTION #2018-006
RESOLUTION OF THE BOARD OF ADJUSTMENT
OF
THE BOROUGH OF HAWTHORNE

In the matter of:

Christian Health Care Center (the “Applicant”)

Block 293, Lots 1 (the “Property” or the “Premises”)

Hawthorne, New Jersey

WHEREAS, the Applicant has applied to the Hawthorne Zoning Board of Adjustment (“the Board”) for amended site plan approval; and

WHEREAS, the Board previously granted Site Plan, Use Variance, Variance and other related approvals (hereinafter the “Original Approvals”) on or about July 21, 2014; and

WHEREAS, the Board memorialized the Original Approvals by the way of Board Resolution of Approval dated July 21, 2014 and attached hereto as Exhibit “A” (the “Resolution”); and

WHEREAS, the Resolution is incorporated herein as if set forth at length.

WHEREAS, all of the findings, conclusions and conditions of the Resolution remain valid and enforceable as if restated in this resolution of approval; and

WHEREAS, Applicant is represented by Jerome Vogel, Esq. of the law firm of Jeffer, Hopkinson and Vogel; and

WHEREAS, the Applicant provided adequate notice of the public hearing of September 17, 2018; and

WHEREAS, Applicants' witnesses presented its testimony and evidence at the September 17, 2018 public hearing, and

WHEREAS, the Board has jurisdiction over this application:

NOW THEREFORE, the Board makes the following findings of fact and conclusions of law:

1. The Applicant has made certain revisions to the Original Approvals, which result in a proposal for 199 independent living units (148 are to be located in Wyckoff and 51 are to be located in Hawthorne);

2. This proposal for amended approval is necessitated by certain requirements for offsite improvements mandated by the Bergen County Department of Planning and Economic Development ("Bergen County Planning Board"). The revised plans, materials and applications are comprised of the following:

(a) Borough of Hawthorne Application for Site Plan Review and Development Plan, dated March 14, 2018.

(b) Borough of Hawthorne Zoning Board of Adjustment Application for Variance, dated March 14, 2018.

(c) Borough of Hawthorne Checklist for Required Submissions to the Zoning Board of Adjustment, unsigned and undated.

(d) Plan (42 Sheets) entitled, “Christian Health Care Center, Continuing Care Retirement Community, Proposed Senior Living Facility, Wyckoff – Block 443, Lots 49.03, 52.01 & 51, Hawthorne – Block 293, Lot 1” prepared by LAN Associates, dated December 17, 2008, bearing a last revision date of March 6, 2018.

(e) Plan (12 Sheets) entitled, “Interim Sicomac Avenue Widening & Intersection Improvements At the Christian Health Care Center, Township of Wyckoff, Bergen County, Borough of Hawthorne, Passaic County”, prepared by Stantec Consulting Services. Inc., dated January 11, 2018.

(f) Report entitled, “Stormwater Management Design for Christian Health Care Center, Continuing Care Retirement Community, Proposed Senior Living Facility, 301 Sicomac Avenue, Block 443, Lots 49.03, 52.01 & 51, Township of Wyckoff, Bergen County, New Jersey, Block 293, Lot 1, Borough of Hawthorne, Passaic County, New Jersey”, prepared by LAN Associates, dated December 26, 2006, last revised March 6, 2018.

(g) Borough of Hawthorne, Resolution of the Board of Adjustment, Resolution #2017-004, Christian Health Care Center, memorialized on June 19, 2017.

(h) Borough of Hawthorne, Resolution of the Board of Adjustment, Resolution #2016-11, Christian Health Care Center, memorialized June 20, 2016.

(i) Borough of Hawthorne, Resolution of the Board of Adjustment, Resolution #2015-009, Christian Health Care Center, memorialized July 20, 2015.

(j) Borough of Hawthorne, Resolution of the Board of Adjustment, Christian Health Care Center, memorialized July 21, 2014. All such materials are incorporated herein as if set forth at length.

3. Among the changes required by the Bergen County Planning Board are relocated access to the Property and the construction of a temporary traffic signal, to remain until such time that Bergen County installs a permanent traffic signal in accordance with the plans submitted by the Applicant.

4. Applicant's engineer, Kenneth Karle, testified and presented evidence. Based on his testimony and evidence, the Board finds:

(a) The most significant change relates to modifying the interior roadway network so that it properly aligns with the revised driveway location;

(b) One small section of the revised interior roadway crosses into Hawthorne;

(c) There is an overall 9,500 square foot reduction in total floor area and an imperceptible change in the shape of the proposed building footprint;

(d) While 24 parking spaces have been added to the project, no surface parking is proposed in Hawthorne;

(e) As a result of the newly proposed traffic signalization, levels of service increase from F to B (Weekday peak) and D to B (Weekend peak);


(f) There is a need for the newly relocated interior road to pass through a steep embankment, requiring relief from the steep slope restrictions set forth in the Hawthorne Zoning Code. The Board finds these deviations to be negligible and will better stabilize the steep slopes in this area. The Board finds, either pursuant to hardship grounds or “C2” criteria, that this proposal is necessary and does not result in any detriment to the public good and does not substantially impair the intent of the Hawthorne Zone Plan;

(g) The Board finds that there is a proposed 150 foot “No disturbance” buffer to the residential properties located on Emerline Avenue, Hawthorne.

(h) The proposed changes to the site plan all represent better alternatives over the Original Approvals, resulting in a safer, more efficient plan with no noted negative consequences.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby grants Applicant’s request for Amended Site Plan Approval inclusive of its request for variance approval relating to steep slopes. The Board specifically finds that the Applicant met its burden of proof relating to the steep slope variance request on both “C1” and “C2” grounds. This approval is conditioned on Applicant being bound by and required to satisfy all of the conditions of approval set forth in the Board’s resolution dated July 21, 2014, as well as abiding by all reports issued in this matter by the Board’s professionals.

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 October 15, 2018.



Raymond Hallock, Chairman
John F. Gallagher vice



Joan Herve, Board Secretary

OFFERED BY: DeRitter

SECONDED BY: Sasso

VOTE: Ayes: 6

Nays: 0

Abstained: 1