

RESOLUTION #2015-007

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

In the matter of:

**Keith & Leslie Plaskon
995 Lafayette Avenue Extension
Lot 20, Block 287
Hawthorne, New Jersey 07506**

WHEREAS, Keith and Leslie Plaskon (“Applicant”) made application to the Borough of Hawthorne Board of Adjustment for bulk variance approval in connection with the premises known as Lot 20, Block 287, commonly referred to as 995 Lafayette Avenue Extension, Hawthorne, New Jersey (the “Property”), located in the R-1-Single Family Residential Zone; and

WHEREAS, as a result of the Application, Applicant seeks the following variance:

(i) Side Yard Setback (Aggregate). Required aggregate side yard setback is 40 feet. Applicant proposes an aggregate side yard setback of 36.50 feet.

WHEREAS, the Board reviewed this matter at its public hearing on April 20, 2015; 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 located at 995 Lafayette Avenue Extension, known and identified as Lot 20, Block 287. The Property is located in the R-1 Single Family Residential District which is designed for single family residential use. The home is a two family home, a pre-existing non-conforming use.

2. The Applicant has submitted satisfactory evidence of having given statutory notice pursuant to N.J.S.A. 40:55D-12.

3. The Applicant submitted the requisite Application dated February 26, 2015, along with plans prepared by Edward A. Easse, Architect & Planner, dated October 7, 2014 (Site Plan), February 23, 2015 (Elevation Drawing) and January 13, 2015 (Floor Plan).

4. Applicants propose a modest 22 foot by 16 foot addition. Mrs. Leslie Plaskon testified that the addition will extend towards the right rear of the home in its northeast section and extend no further than the existing, compliant 20.94 side yard (north side) setback.

5. The addition will, however, exacerbate the existing non-conformity for the aggregate side yard setback requirement (40 feet required; 36.50 feet existing and proposed). 6.

6. The Property is long and narrow. It exceeds the depth requirement by approximately 200 feet, but is deficient in lot width (125 feet required and 66.98 feet existing).

7. Edward Easse was sworn and qualified as an expert in the fields of Architecture and Planning. He testified the addition would be built “in line” with the existing home; and that there would be no intensity of use since the proposal was not to create new rooms, but only to enlarge them. The addition will not be visible from the street.

8. Relief exists pursuant to N.J.S.A. 40:55D-70(c)(1) which requires that the Applicant, in order to demonstrate hardship, must show that, due to an existing condition relating to a specific piece of property or the structures lawfully existing thereon, the strict application of the zoning ordinance in question would result in undue hardship upon the developer warranting a variance from the regulation in question. This is known as a hardship or “C1” variance.

9. In this instance, the Applicant has demonstrated that due to the location of the existing structure and the narrow lot width, the strict application of the particular regulations of

the Borough of Hawthorne Zoning Ordinance would be an undue hardship upon the Applicant. The Board finds that any perceived negative impact created by the aggregate side yard setback variance is de minimus. The Board further finds that such setback variance does not pose a substantial detriment to the public good and does not substantially impair the purpose and intent of the Borough of Hawthorne Zone Code or Zone Plan.

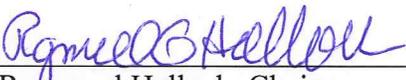
10. In reviewing the Application, evidence and testimony, the Board finds that the side yard setback variance requested by the Applicant can be granted in this instance. The Applicant has demonstrated that the proposed structure will be consistent with the existing character of the neighborhood and will promote the purposes of zoning set forth at N.J.S.A. 40:55D-2. The Board in this instance finds that the benefits to be derived from the granting of the variances requested outweigh any possible detriment resulting from the approval of the variances.

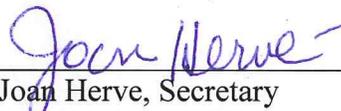
NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Hawthorne that the Application of Keith and Leslie Plaskon with respect to the Property, requesting variance relief as set forth above, be and is APPROVED for the requested side yard setback variance enumerated above, subject to the terms and conditions hereinafter set forth:

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.

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.

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 May 18, 2015.


 Raymond Hallock, Chairman


 Joan Herve, Secretary

Name	Motion	Second	Yea	Nay	Abstain	Absent
Hallock			X			
Gallagher	X		X			
DeRitter		X	X			
Chamberlin			X			
Terraglia			X			
Schroter			X			
Duffy			X			
Melfi			X			
Agnello			X			X