

IN THE MATTER OF THE APPLICATION) ZONING BOARD OF ADJUSTMENT
)
)
 OF) Borough of Hawthorne
)
) RESOLUTION MEMORIALIZING
Glenn Pilkington) PREVIOUS ACTION

WHEREAS, Glenn Pilkington, trading as Pilkington Automotive, has applied to the Board of Adjustment of the Borough of Hawthorne to resume an auto repair shop at a former gasoline service station at 92 Lafayette Avenue, Lot 16, Block 35 in the B-1 Neighborhood Commercial Zone requiring use variance, buffer, front, side and rear yard variances as well as waivers for parking space size and turnaround, and

WHEREAS, a public hearing on the application were held by the Board on April 18, 2011, and

WHEREAS, this Board of Adjustment of the Borough of Hawthorne, at its public meeting of April 18, 2011 did make the following findings of fact, determinations and decision:

FACTS:

1. The required notice was given and published and proof thereof was filed with the Board.
2. The premises in question are owned by Bergmo, LLC and unoccupied. The managing member of the owner, Vito Modugno, testified that the property had been vacant when he purchased it, having formerly been a gasoline service station. The original three-bay building remains on the property. It was his intention to convert the building to professional offices (the zoning had, until very recently been O-1 Offices Professional Institutional, but is now B-1 Neighborhood Commercial). His application for that use was withdrawn and the present application, consented to by the owner, is to resume the auto repair use.
3. The applicant is in the auto repair business and conducts the business at another location in the Borough. If approved, this property would be his second location.
4. The existing building would remain unchanged. Any bulk variances requested are for pre-existing conditions which would remain unchanged. Signage would conform to Borough regulations.
5. At the time of the hearing the application had not yet been submitted to the County for its review.
6. The applicant presented a professional planner who concluded that the application could be granted because the site is particularly suited, given its history and present condition, for the intended use. Its location at the end of the newly expanded B-1 zone makes it an ideal transition lot to the Industrial zone across Wagaraw Road and it is surrounded on three sides by non-residential uses, one of which is another service station.

7. These facts support his further conclusion that, if granted, the application would have no substantially adverse impact on the public interest and zone plan.
8. No member of the public spoke on the matter.

DETERMINATIONS:

1. The applicant's burden to show special reasons and meet the negative criteria of the Medici case has been amply met here.
2. The Board requires the proposed layout be revised to show available parking on the property and a correct zoning table.
3. The Board calls the applicant's attention to the Borough ordinance regulating overnight parking.
4. The Board requires the applicant's return to the Board in the event of any changes imposed by the County Planning Board.

NOW THEREFORE, BE IT RESOLVED that the application of **Glenn Pilkington, trading as Pilkington Automotive**, to resume an auto repair shop at a former gasoline service station at 92 Lafayette Avenue, Lot 16, Block 35 in the B-1 Neighborhood Commercial Zone requiring use variance, buffer, front, side and rear yard variances as well as waivers for parking space size and turnaround be and the same is hereby **GRANTED subject to the conditions set forth in the Determinations above** and this Board does hereby memorialize and confirm the action taken on April 18, 2011 in the above matter. The foregoing approval is subject to concurrent approvals of any other board or agency with appropriate jurisdiction, as well as compliance with the Building Officials Code Annotated and all other ordinances of the Borough of Hawthorne.

The undersigned, John F. Gallagher, Vice Chairman, does hereby certify that the above is a true copy of a memorializing resolution adopted by the Board of Adjustment of the Borough of Hawthorne on May 16, 2011.