MINUTES OF THE WORK SESSION MEETING
OF THE HAWTHORNE ZONING BOARD OF ADJUSTMENT
NOVEMBER 26, 2007

The November 26, 2007 work session meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:00 p.m. by Chairman Hallock. All members were present excepting Michalski. In addition, Charles C. Collins, Jr., Attorney/Secretary, and John Pacholek, P.E., representing the Borough Engineer were present.

The bill of the Hawthorne Press for legal publication and the minutes for the October meeting were reviewed.

Mr. Collins next reported on the status of the Youssef appeal.

The Board considered the agenda and Mr. Collins stated that the Xaferi application would be put off until February, 2008 at the request of the applicant who had granted an extension of time for the Board to act.

Mr. Collins described the request of the owner of 228-235 and 310 Lincoln Avenue, Block 120, Lot 13 & Block 121, Lot 13, who had asked for a formal resolution on the Board's finding that a continuing non-conforming use and structure were on the property. The Board noted that the finding was expressed by a resolution in the adopted minutes of the Board and Mr. Collins was directed to certify the minutes in lieu of a formal resolution.

The Board then discussed the application of Enterprise Outdoor, L.L.C., for billboard signs at the intersection of Rte. 208 and Goffle Road and the Chairman indicated he might recuse himself depending on the extent of contacts between the applicant's consultants and Columbia Bank.

Respectfully submitted,

Charles C. Collins, Jr.
Attorney/Secretary

MINUTES OF THE REGULAR MEETING OF THE HAWTHORNE ZONING BOARD OF ADJUSTMENT NOVEMBER 26, 2007

The November 26, 2007 regular public meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:30 p.m. by Chairman Hallock. All members were present except Mr. Michalski. In addition, Charles C. Collins, Jr., Attorney/Secretary, and John Pacholek, P.E., representing the Borough Engineer were present.

The Chairman announced that notice of the meeting had been published and posted in accordance with the requirements of the Open Public Meetings Act.

Bills On motion by Silvestri, with second by Gallagher, the bill of the Hawthorne Press for legal publication in the amount of $50.70 was approved for payment.

Minutes On motion by Gallagher with second by Mele, the Board voted approval of the minutes of the work and regular sessions of the Board for October 15, 2007.

Old Business
Hearings

1. The Chairman called for the continuation of the hearing of the application of **Nicholas and Sue Passaro,** 83 Warren Avenue, Lot 1, Block 94. The applicants appeared and explained the changes made in their proposal since originally presented. The Board noted that the lot coverage had been reduced by only .81%. Board members expressed concern about the bulk of the proposed change and the applicants stated no further reductions were possible but that their

architect was unable to be present and so testify. At the suggestion of the Board they requested the hearing be carried to a date when their architect would be present. On motion by DeRitter with second by Mele, the matter was carried to the January, 2008 meeting date.

2. The Chairman then reported that the application of **Laurela and Hasan Xhaferi**, 59 Elberon Avenue, Lot 15, Block 46, was requested to be carried to the February, 2008 meeting date. Mr. Collins advised the Board that an extension of time had been granted. On motion by DeRitter with second by Scully, the matter was carried to the February, 2008 meeting date.

New Business
Hearings

1. The Chairman called for the hearing of the application of **Salvatore and Alicia Cutrona,** 104 Washington Avenue, Lot 34, Block 29. The applicants appeared with their Architect/Planner, Edward A. Easse, 44 Lincoln Avenue. Hawthorne, who was sworn and testified that the proposal is to erect an elevated deck in the rear yard of a two family home in the R-2 Residence District built in the 1950's requiring side yard and combined side yard variances. The deck would be elevated to match the level of the first floor as the topography of the lot fell off in the back. Side yard and combined side yard variances were required due to the location of the existing house which preceded the current zoning regulations. No

member of the audience wished to speak on the matter and on motion by Gallagher, with second by Silvestri, the matter was approved.

2. The next matter to be heard was the application of **Veronica Thiessen**, 193 No. Ethel Avenue, Lot 5, Block 243 in the R-1 Residence Zone. Veronica Thiessen and Robert Thiessen, her husband, appeared and were sworn. They described their application as one to erect a raised rear yard deck to match the sliding door exit at the back of the house and add a handicap access ramp to wheelchair use. The existing roof would be replaced. The application calls for both side yard and combined side yard variances which reduced the present deficiency created by the location of the pre-existing house. No one offered to speak on the application and on motion by Silvestri, with second by Mele, the matter was approved.

3. The final applications to be heard were those of **Enterprise Outdoor, L.L.C.** for billboard signs at 1050 Goffle Road, Lots 1 and 19, Block 281.01 and 1052 Goffle Road, Lot 36, Block 281.03 in the I-2 Light Manufacturing Zone. The applicant was represented by Louis L. D'Arminio, Esq., Price, Meese Shulman & D"Arminio, Esqs., 50 Tice Boulevard, Woodcliff Lake, New Jersey who described the applications as ones to erect two billboards, one on each site to be double-faced, off premises flag mounted advertising signs, 14' x 48' in dimension, one of which (1050 Goffle Road) would be 63 'high from grade level and the other (1052

Goffle Road) would be 59′ high from grade level. He noted that "d" variances were required for use and height and "c" variances for size. He proposed to proceed with proofs and exhibits as if it were a single application since in most instances these would be identical. Differences related to the different sites would be highlighted along the way for the Board's consideration when dealing with the particular site. He introduced his witnesses as Howard Koval, Howard Koval Realty, 419 Essex Street, Hackensack, New Jersey, representing the applicant, Alex J. Zepponi, Professional Engineer and Planner, ENTEC, Engineering & Technical Resources, Inc., 535 High Mountain Road, North Haledon, New Jersey and Hal Simoff, Simoff Engineering Associates, 466 Southern Boulevard, Chatham, New Jersey, traffic engineer.

The first witness, Howard Koval, testified that he is a principal in the applicant and has similar sign locations pending in Lodi and Ramsey. He produced permits from the Department of Transportation for the proposed signs in Hawthorne and Mr. D'Arminio represented that approvals by the State DOT did not deprive the Borough of its jurisdiction in the matter. Mr. Koval described the sites and uses where the signs are proposed to be located and stated that they were chosen because the sites were non-residential and well below the grade of Rte. 208 permitting the poles to be hidden. The signs would be two sided and angled each to be 35 feet above the grade of Rte. 208. He stated the applicant

would look for "good clean customers" and be available for public service and political messages. He advised that the applicant would agree to reasonable restrictions on sign content and admitted he did not know of any other billboard signs on Rte. 208. No electronic messages or flashing lights would be used and the State permit would not permit "multiple messages". When the Chairman asked the witness to contrast the character of the Rte. 208 corridor with that of Rte. 17 he was told the Planner would testify on these issues.

The next witness was Alex J. Zepponi, Professional Engineer and Planner, ENTEC, Engineering & Technical Resources, Inc., 535 High Mountain Road, North Haledon, New Jersey. He qualified in both disciplines and opened this portion of his testimony on the engineering aspects of the applications. He offered site plans and photographs of both sites and described the sites, the buildings and uses thereon, the signs and their lighting. He stated there would be no environmental drawbacks such as noise, drainage problems and pollution. The signs would be flag mounted, i.e., supported by a single pole at one end of the two sided signs in a "v"-shaped structure. On the Rte. 208 southbound side, (1050 Goffle Road), one parking space would be displaced by the structure but that one space was surplus now. maintained every two months by a crew of two men for about two hours. Lighting would be by 5 400 watt lights at the base of the sign shining up and operation would be controlled by photoelectric cells. In order to maintain the 35'

distance from roadbed to top of sign, the sign on the southbound side would be 4′ higher from grade than that of the northbound side.

A short break was taken at 9:38 PM.

The hearing resumed at 9:53 PM and the next witness was Hal Simoff, Simoff Engineering Associates, 466 Southern Boulevard, Chatham, New Jersey, who qualified as an expert traffic engineer. He presented numerous photographic exhibits featuring both sites and visual perspectives of the proposed signs for each. In addition, he offered data from the New Jersey DOT on traffic accidents in the area of Rte. 208 where the proposed signs would be located. He noted that records show 78,000 + vehicles travel the area both ways in 24 hours. His exhibits showed "cones of vision" both horizontally and vertically to support his conclusion that the proposed signs are located to maximize traffic safety. He stated that there is no evidence of correlation between billboard signs and traffic accidents.

A discussion followed about the required minimum distance between billboard signs and the difference between "on premises" and "off premises" signs. He described his assignment as one to evaluate traffic safety of the proposed billboards. He concluded that the viewing angle and distance for each is "adequate" and the placement would not create a traffic hazard.

J. J. Youseff, 479 Grandview Avenue, Wyckoff, questioned Mr. Koval about the purposes of the advertising expected and whether the sign on the southbound

side would block the sun from his place of business. Mr. Zepponi promised an answer to the latter question. James Dusenberry, 81 Roosevelt Avenue, Hawthorne, commented on the use of the building formerly housing the Hawthorne Laundry on the south bound site. At this point the matter was adjourned to the December 17 meeting date on motion by Gallagher with second by Silvestri.

There being no further business to come before the Board on motion by Silvestri with second by Mele, the regular public meeting of the Hawthorne Zoning Board of Adjustment for November 26, 2007 was adjourned at 11:08 PM.

Respectfully Submitted,

Charles C. Collins, Jr.

Attorney/Secretary