

**MINUTES OF THE REGULAR MEETING OF THE
HAWTHORNE ZONING BOARD OF ADJUSTMENT
APRIL 19, 2010**

The April 19, 2010 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. In addition, Charles C. Collins, Jr., Attorney/Secretary and Michael Kelly, 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 Gallagher, with second by DeRitter, the bill of the Hawthorne Press for legal publications in the amount of \$28.08 was approved for payment.

Minutes On motion by Gallagher with second by Joustra, Silvestri, Terraglia and Hallock abstaining, the minutes of March 15, 2010, work and regular, were approved.

New Business

Hearings

1. The Chairman called for the hearing of the application of **Walder, Ken & Leydi**, 11 Rockledge Road, Lot 9.01, Block 292. Ken Walder appeared and was sworn. He testified that he is seeking to erect a single family house on his Rockledge Road property using an existing foundation. Because of the location of the foundation on the otherwise con-forming lot, variances for front yard and centerline setback are needed. An existing garage and shed would remain on the property but be re-sided to match the siding of the new home. No member of the audience wished to speak on the application so, on motion by Silvestri with second by Joustra, the application was approved.

2. The next matter to be heard was the application of Lauren Enterprises, LLC, 104 (80) Mohawk Avenue, Block 53, Lot 8. Messrs. Hallock and Terraglia recused themselves and Mr. Gallagher became Chairman *pro tem*. The applicant was represented by Harold P. Cook, III, Esq., Perconti & Cook, Esqs., 886 Belmont Avenue, North Haledon, who described the application as a request is for approval of a two story addition to the rear right-hand (northwest) corner of the building in order to create a two bedroom apartment on the first floor and a three bedroom apartment on the second floor for a total of five bedrooms. In addition, the detached garage would be removed to create four on-site parking spaces. Variances for side yard setback, 2.17 feet (existing) provided where 10 feet is required, improvement coverage and parking space size, 9' by 18' provided as permitted by RSIS, where 10' by 20' is required. He acknowledged that an earlier application for six bedrooms and three on-site parking spaces with one space in the garage had been denied but argued that the present application was a substantial change. After some discussion, on motion by Joustra with second by Chamberlin the Board confirmed a substantial change. The changes to the original plan as described by Mr. Cook were confirmed by one of the members of the applicant, Joseph Lociello. No one in the audience wished to address the matter and on motion by Chamberlin with second by Silvestri, the relief requested was granted.

3. Messrs. Hallock and Terraglia resumed their seats and Mr. Hallock resumed the Chairmanship calling for the continuation of the hearing of the application of 116 Washington Avenue, LLC, 116, 122 Washington Avenue, Lots 32 and 31, Block 29. The applicant was represented by Ralph E. Faasse, Esq., Carbone & Faasse, Esqs., 401 Goffle Road, Ridgewood, New Jersey who introduced the application as one for use and bulk variances and site plan and subdivision approvals for multi-family residential development in the R-2

Residence Zone. He stated that a portion of 122 Washington Avenue, owned by Washington Realty, LLC, would be added to 116 Washington Avenue which itself would be developed as a multi-family residence. "d" variances are required for the proposed use and for the proposed density. He outlined the bulk variances which would also be required, to wit, side yard, front yard, centerline setback, driveway turnaround, driveway access roadway width and fence height for 116 Washington Avenue. A variance from the Borough's requirements for parking space size is also required although the proposed space size would comply with the controlling RSIS standard. A side yard variance is needed for 122 Washington Avenue. He stated that he had two witnesses, Edward A. Easse, Architect, and Bruce Rigg, P.E. and L.S.

Mr. Rigg testified to revisions made to the original plans, to wit, reducing the number of parking spaces from 28 to 25 along the rear of the proposed lot 32.01 because of potential riparian zone conditions. The refuse/recycling station was moved to a new addition at the front of the building. The main entrance and handicap access was modified. Aisle width at the south side of the building was widened with reduced impervious coverage resulting from revised grading. A higher fence is proposed while the retention system has been reduced due to increased landscaping. Testimony was offered of an adequate water supply and the sanitary sewer monitoring showed enough capacity to handle the project. The question of flood hazard zone and wetlands was raised. Testimony was given that no flood hazard permit was required but, on the issue of the presence of wetlands, no determination from the State was available although the applicant offered the view of an outside consultant that wetlands were not present but Mr. Kelly stated he needed to determine whether a direct statement from the DEP wasn't needed.

Mr. Easse offered a description of the work to be carried out to convert the building, then, in his capacity as licensed Professional Planner, opined that the

conversion of an industrial use in the residential zone to a residential use constituted a "special reason" to support a grant of approval. He described Lot 32 as one of the largest in the area and which, with the addition of a portion of Lot 31 through the subdivision, could easily accommodate the proposed multi-unit development. He furthered advised that the development fulfilled the purposes of zoning as set forth in the statutes and the Borough's ordinances.

Jeffrey Morris of Boswell McClave Engineering, the special Professional Planner retained by the Borough agreed that the conversion to residential use and the peculiar lot size were influential factors but questioned the need for 13 units creating a density issue.

After a recess, the applicant reduced the number of proposed units to 11 and expressed a willingness to comply with all applicable COAH regulations by the provision of affordable units and financial contribution as well as produce an exemption from the applicability of wetlands regulations from the Department of Environmental Protection if the Borough Engineer deems such determination necessary.

No member of the public wished to be heard. On motion by Gallagher with second by Silvestri, the minor subdivision application was granted and on motion by Terraglia with second by Schroter the Preliminary Site Plan with the necessary "d" and "c" variances was approved.

There being no further business to come before the Board on motion by Silvestri with second by DeRitter on voice vote the regular public meeting of the Hawthorne Zoning Board of Adjustment for April 19, 2010 was adjourned at 9:54 PM.

Respectfully Submitted,
Charles C. Collins, Jr.
Attorney/Secretary