

**MINUTES OF THE REGULAR MEETING OF THE
HAWTHORNE ZONING BOARD OF ADJUSTMENT
MAY 19, 2008**

The May 19, 2008 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 Messrs. DeRitter and Gallagher. In addition, Charles C. Collins, Jr., Attorney/Secretary, and John Pacholek, representing the Borough Engineer and Joseph Burgis, Borough Planner, 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.

1. **Bills.** On motion by Mele, with second by Silvestri, the bill of the Hawthorne Press for legal publication in the amounts of \$98.28 was approved for payment:

2. **Minutes.** On motion by Mele, with second by Scully, Terraglia abstaining, the Board voted approval of the minutes of the work and regular sessions of the Board for April 21, 2008

3. **Resolutions.**

A. **Vincent Terraglia**, 75 Watchung Drive, Lot 1, Block 271. On motion by Scully with second by Silvestri, the Board adopted a memorializing resolution

granting an extension of one year to implement a variance previously approved on May 21, 2007.

B. **Thomas and Lynda Pasqueretta**, 173 Parmelee Avenue, Lot 14, Block 141. On motion by Silvestri with second by Michalski, the Board adopted a memorializing resolution granting an application to add a front porch to a single family dwelling requiring lot coverage, front yard setback, centerline setback, side yard single, side yard combined and impervious lot coverage variances in the R-1 Residence Zone.

C. **Salvatore and Clorinda Cannas**, 261 Warburton Avenue, Lot 17, Block 126. On motion by Mele with second by Silvestri, the Board adopted a memorializing resolution granting an application to make a two story addition to an existing single family dwelling to convert it to a two family dwelling in the R-2 Residence zone requiring front yard setback, centerline setback and impervious coverage variances.

D. **Robert and Karen Chatten**, 199 Pasadena Place, Lot 8, Block 268. On motion by Mele with second by Michalski, the Board adopted a memorializing resolution granting an application to make a one story addition to the rear of a single family home in the in the R-1 Residence Zone requiring side yard, single, and rear yard variances.

E. **Stephen Danso and Edna Owusu**, 62 No. 13th Street, Lot 7, Block 58.

On motion by Michalski with second by Scully, Duffy, Silvestri, Terraglia and Hallock abstaining, the Board adopted a memorializing resolution granting, on condition, application to add a 3rd floor to a single family home in the R-2 Residence Zone requiring front yard setback and side yard variances.

F. **Enterprise Outdoor, L.L.C.**, 1052 Goffle Road, Lot 36, Block 281. (Rte. 208 Northbound). On motion by Silvestri with second by Mele, Terraglia abstaining, the Board adopted a memorializing resolution denying an application to erect a free standing Billboard sign in the I-2 Light Manufacturing Zone.

2. **Enterprise Outdoor, L.L.C.**, 1050 Goffle Road, Lots 1 and 19, Block 281.01. (Rte. 208 Southbound) On motion by Mele, with second by Scully, Terraglia abstaining, the Board adopted a memorializing resolution denying an application to erect a free standing Billboard sign in the I-2 Light Manufacturing Zone.

Mr. Gallagher arrived at 7:45 PM.

4. The Chairman called for the hearing on **G. Haddad**, 71 Mary Street, Lot 1, Block 87.01. The applicant appeared with his architect and planner, Edward A. Easse, 44 Lincoln Avenue, Hawthorne, New Jersey. Both were sworn and Mr. Easse described the application as one to erect a two story deck to the side of a two family house on a corner lot in the R-2 Residence Zone requiring a rear yard variance of 9 feet. The lot was further described as having a severe slope with the yard where the deck is to be located facing an open field. A neighbor two doors

away has erected a similar deck. No member of the public wished to speak on the application and on motion by Terraglia, with second by Michalski, the relief was granted.

7. The next application was that of **Eileen O'Connor**, 65/15 Prescott Avenue, Lot 3, Block 3. She appeared with her architect and planner, Edward A. Easse, 44 Lincoln Avenue, Hawthorne, New Jersey to described her application to add expand a family room and add a bath to the second floor unit of a two family house in the R-2 Residence Zone requiring lot coverage, density and impervious lot coverage variances. Both were sworn and Mr. Easse described the lot as undersized causing any improvement to require a variance. There was no public comment on the application and on motion by Michalski with second by Mele, the application was granted.

8. The next application was that of **Zira, Inc.** 158-160 Lincoln Avenue, Lots 10, 11, 12, and 13, Block 21 to expand a restaurant use in the B-I Neighborhood Commercial and R-2 Residence Zone requiring side yard, parking and use variances. The applicant was represented by Darryl Siss, Esq., Teschon, Riccobene & Siss, Esqs., Midland Park, New Jersey who introduced two witnesses, Osman Kaba, a principal of the applicant and Calisto Bertin, Bertin Engineering Associates, 66 Glen Avenue, Glen Rock, New Jersey. Mr. Siss described the application as one to add an elevator, an expanded cocktail space and rear yard

deck to an existing non-conforming restaurant located straddling the B-2 Neighborhood Commercial Zone and the R-2 Residence Zone. Mr. Kaba testified that the property consists of 4 individual lots facing Lincoln Avenue with the restaurant located on the middle two lots and the flanking lots devoted to other uses but also to parking for the restaurant use. The two middle lots, 11 and 12, are owned by Zira, Inc., the applicant. The two flanking lots, 10 and 13, are owned by LECA, LLC. Both corporations are controlled by Osman Kaba. The restaurant is a non-conforming but previously permitted use in the zones. To accomplish the intended purpose, a d variance for expansion of a non-conforming use, setback and parking variances are required. All improvements, apart from the parking area, are planned for the second floor of the restaurant building.

The proposed expanded cocktail area would be a room situated on top of the present porte cochere and have an overall area of 752 sq. ft. Its use would be strictly for cocktails accessory to either or both of the second floor catering rooms. No additional seating is proposed. The porte cochere, whose existing side yard set back from the north line of lot 10 would be extended an additional 11 feet towards Lincoln Avenue.

A 1,700 sq. ft. deck is proposed to extend from the rear catering room westward to the rear of the applicant's property adjoining a railroad right-of-way. It would be used for photographs of gatherings with a gazebo, garden and

waterfall area. No food would be served on the deck which would be accessed from the rear catering room and a staircase on the north side of the building.

There would be a deficit of 8 parking spaces but Mr. Bertin argued that the restaurant's valet parking relieved any parking problems.

The Board discussed the height of a rear wall and side railings, location of lighting, concrete collars for the deck columns and the structural capacity of the porte cochere which Mr. Bertin assured the Board would be adequate and safe load bearing.

The applicant agreed to submit an amended site plan incorporating all proposed changes.

Edward Berger, 2 Norma Terrace, voiced opposition to the proposal, citing the potential for smoking, noise and light pollution.

James Dusenberry, 81 Roosevelt Avenue, raised questions of smoking on the proposed deck and overdevelopment of the properties.

On motion by Gallagher with second by Mele, the hearing was carried to June 16, 2008.

There being no further business to come before the Board on motion by Gallagher with second by Mele, the regular public meeting of the Hawthorne Zoning Board of Adjustment for May 19, 2008 was adjourned at 9:35 PM.

Respectfully Submitted,

Charles C. Collins, Jr.

Attorney/Secretary

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