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OCT 22 2008

MINUTES OF THE WORK SESSION MEETING
OF THE HAWTHORNE ZONING BOARD OF ADJUSTMENT
SEPTEMBER 15, 2008

The September 15, 2008 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 except Messrs. Gallagher, Scully and Terraglia. In addition, Charles C. Collins, Jr., Attorney/Secretary, was present.

The bills of the Hawthorne Press and the Board Secretary and the minutes for the July meeting were reviewed.

Mr. Collins gave a report on the status of the lawsuit commenced by Enterprise Outdoor Advertising, L.L.C. stating that a conference had been scheduled by the assigned magistrate for October 30, 2008.

He also reported no news on the Christian Health Care development proposal.

Respectfully submitted,

Charles C. Collins, Jr.
Attorney/Secretary

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MINUTES OF THE REGULAR MEETING OF THE
HAWTHORNE ZONING BOARD OF ADJUSTMENT
SEPTEMBER 15, 2008

The September 15, 2008 work session 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. Gallagher, Scully and Terraglia. In addition, Charles C. Collins, Jr., Attorney/Secretary, was 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 Mele, with second by Michalski, the bill of the Hawthorne Press for legal publication in the amount of \$39.00 was approved for payment.

Minutes. On motion by Silvestri, with second by Mele, Hallock abstaining, the Board voted approval of the minutes of the work and regular sessions of the Board for August 18, 2008

Resolutions. **Joseph and Elena Luddy.** 41 MacFarlan Avenue, Lots 3 & 4, Block 82 and Lot 8, Block 76. On motion by Silvestri with second by Mele, Michalski voting nay and Hallock abstaining, the Board adopted a memorializing resolution to deny an application to develop a land-locked parcel in the R-5

Planned Unit Development Zone requiring variances for steep slopes, lot frontage and walls greater than 10 feet in length in the front yard.

Hearings.

1. The Chairman then called for the hearing on the application of **Dennis and Bernice Garrabrants**, 27 Seventh Avenue, Lot 8, Block 195. Mr. Duffy recused himself as residing within 200 feet of the property in question. The applicants appeared and were sworn. They described their application as one to add a three season sunroom to a single family home in the R-2 Residence Zone requiring side yard, single and combined variances. Mr. Garrabrant testified that their home was built in the 1950's on a 3,300 sq. ft. lot, 66% of the required minimum lot size. The existing dwelling both the minimum side yard distance and combined side yard distances and the proposed addition would continue these discrepancies covering an existing patio. No member of the public wished to speak on the matter and on motion by Silvestri with second by Mele, the application was granted.

Mr. Duffy resumed his seat.

2. The next matter to be heard was the application of **Eleana Passano**, 19 Braen Avenue, Lot 14, Block 287. The applicant appeared with her attorney, Ralph Faasse Esq., Carbone and Faasse, Esqs., 401 Goffle Road, Ridgewood, New Jersey, who described the application as one to restore a two family use to a one-

family home in the R-2 Residence Zone requiring a lot width variance. The lot contained more area than the minimum required but was deficient in lot width, 65 feet required, 50 feet provided. The applicant testified that the property had originally been built as a two-family dwelling and described various evidence supporting that claim. David Troast, 53 Ninth Avenue, Hawthorne, New Jersey, testified as a professional planner, offering tax map excerpts and photographs of the neighborhood. He concluded that the use is permitted and that no opportunity to add to the property width was available. He concluded there is requisite hardship and no substantially adverse impact on the public interest, zone plan and zoning ordinance. No member of the audience had any comments so on motion by Michalski with second by Silvestri the application was granted.

3. The final application to be heard was that of **Antonio and Giuseppe Russo** for 18 Eighth Avenue, Lot 15, Block 195. The applicants were represented by Patrick C. Demarco, 912 Belmont Avenue, North Haledon, New Jersey, who appeared with Giuseppe Russo, 163 Watchung Drive, Hawthorne and Edward A. Easse, AIA, 44 Lincoln Avenue, Hawthorne who were sworn. Mr. Russo testified to his ownership of the property with his father, Antonio, title to which was conveyed within the last 60 days and the buildings on which were demolished shortly thereafter after being declared unfit for habitation by the Borough. His proposal is to erect a single family home on the lot which is 33.33 feet wide and

100 feet deep. Mr. Easse testified that the prior house had virtually no rear yard and side yards of 0 and 2.3 feet. In addition the lot coverage exceeded the maximum permitted by 1.6%. The proposed house would have side yards of 5.1 feet, requiring a variance, complying front and rear yards and coverage exceeding the maximum by 1.7%. The variances are dictated by the substandard lot size. Mr. Easse testified as to a variety of uses and lot sizes in the neighborhood further concluded that hardship existed and that the proposed development would create esthetic benefits and constitute appropriate use of the land. He saw no substantially adverse impact on the public interest, zone plan and zoning ordinance. Donald Wonder, 17 Seventh Avenue, Hawthorne and Harold Jensen, 125 No. Walnut Street, Ridgewood, raised title questions and were advised that such issues are outside the Board's competence. Victor Manzo, speaking for his mother, Virginia Manzo, 24 Eighth Avenue questioned parking and was told there would be sufficient on-site parking provided. When asked, Mr. Russo agreed to a deed restriction limiting the use of the property to a one-family dwelling. On motion by Michalski with second by Mele, the application was approved subject to the execution and recording of the deed restriction limiting future use to a single family dwelling.

There being no further business to come before the Board on motion by Silvestri with second by Michalski, the regular public meeting of the Hawthorne Zoning Board of Adjustment for September 15, 2008 was adjourned at 8:30 PM.

Respectfully Submitted,

Charles C. Collins, Jr.

Attorney/Secretary