

**MINUTES OF THE WORK SESSION MEETING OF THE**  
**HAWTHORNE ZONING BOARD OF ADJUSTMENT**  
**JANUARY 17, 2011**

The January 17, 2011, work session meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:00 p.m. by the Chairman. All members were present with the exception of Mr. Silvestri. Charles C. Collins, Jr., Attorney/Secretary, Michael Kelly representing the Borough Engineer and Steven Lydon representing the Borough Planner, were also present.

The Board discussed the procedure for deliberation and decision making for the Patriot Development application. It was agreed that the hearing would remain open after the public comments and during deliberation in order to allow for additional testimony as might be needed.

The minutes for the December 20 meetings and the bill of the Hawthorne Press were reviewed.

**MINUTES OF THE REGULAR MEETING OF THE  
HAWTHORNE ZONING BOARD OF ADJUSTMENT  
JANUARY 17, 2011**

The January 17, 2011 regular public meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:40 p.m. by Chairman Hallock. All members were present except Mr. Silvestri. In addition, Charles C. Collins, Jr., Attorney/Secretary, Steven Lydon representing the Borough Planner and Michael Kelly, P.E., representing the Borough Engineer were present.

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

Mr. Collins assumed the chair and called for nominations for the position of Chairman for the forthcoming year. On motion by Gallagher with second by Terraglia, Mr. Hallock was re-elected Chairman.

Nominations for Vice Chair followed with DeRitter moving and Terraglia seconding John Gallagher as Vice Chairman.

Mr. Hallock resumed the Chair and called for the election of a Board Secretary. On motion by Gallagher with second by Joustra Mr. Collins was elected.

Finally on motion by Gallagher with second by Schroter on a roll call vote Mr. Collins was appointed Board Attorney for 2011.

**Bills** On motion by DeRitter, with second by Gallagher, Terraglia abstaining, the bill of the Hawthorne Press for legal publication in the amount of \$45.24 was approved for payment.

**Minutes** On motion by DeRitter with second by Joustra, Terraglia abstaining, the minutes of December 20, 2010, work and regular, were approved.

The only matter on the Board's agenda this evening was the continuation of the hearing of the application of Patriot Development to develop 20 town homes and 7 single family homes requiring "d" and "c" variances in the R-5 Planned Unit Development zone. Messrs. Joustra and Gallagher certified on the record that they had listened to the tapes or read the transcripts of meetings missed and hence were eligible to vote on the matter. The applicant was represented by Jerome A. Vogel, Esq., Jeffer, Hopkinson & Vogel, Esqs., who moved the January 10, 2011 letter from the applicant's planner into the record. It was agreed that no new testimony was needed from either planner at this time.

Mr. Collins advised Mr. Vogel that the hearing would not be closed after completion of the public comments on the application but remain open in the event the Board, in its deliberations, required explanation or clarification of the issues.

At this time Mr. Hallock opened the meeting to the public and call on Rayna Laiosa, Chairman of the Hawthorne Environmental Commission, 89 Minerva Avenue, Hawthorne to come forward. She and the Vice Chairman, Lisa Szegedi, 112 Second Avenue, Hawthorne, were sworn. With the aid of Charts the ladies argued that the applicant had not met the requirements to support the grant of waivers from the steep slope regulations of the Borough in the face of very substantial soil disturbance proposals. They challenged the compliance with storm water management rules and raised concerns about the potential impact of runoff on Brockhuizen septic fields. Mr. Kelly, however, stated the storm water management issues could be dealt with appropriately and needn't be considered by the Board on the density issue.

The next speaker was Philip Savoie, Chairman of the Borough Shade Tree Commission, 188 Buena Vista Avenue, Hawthorne. He criticized the project for excessive tree removal and destruction. He urged the Board to enforce the recently

adopted buffer requirements and stated it was his personal preference that the Borough purchase the property and retain it as open space.

Al Anema, 2 Brockhuizen Lane, opposed the plan and urged the Board members to walk the property to see the difficulty of development.

Maryanne Pinto, 8 Brockhuizen Lane, expressed her concern for potential storm water runoff.

Dan Melfi, Emeline Drive, suggested the number of units proposed be reduced.

Don Schneider, 12 Brockhuizen Lane, urged strict compliance with the setback regulations.

The Board then discussed its concern with the steep slopes proposed and resulting soil disturbance. A consensus that the number of units should be reduced and no flag lot permitted was conveyed to Mr. Vogel who promised to consult with his client and report any resulting adjustments. He was told that the next meeting on the matter would be March 21, 2011.

There being no further business to come before the Board on motion by Chamberlin with second by Terraglia, the regular public meeting of the Hawthorne Zoning Board of Adjustment for January 17, 2011 was adjourned at 9:15 PM.

Respectfully Submitted,

*Charles C. Collins, Jr.*

Attorney/Secretary