

**MINUTES OF THE REGULAR MEETING OF THE  
HAWTHORNE ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 20, 2010**

The September 20, 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 except DeRitter, Duffy, Gallagher and Terraglia were present. In addition, Charles C. Collins, Jr., Attorney/Secretary, Joseph Burgis, Borough Planner, and Michael Kelly 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 Joustra, the Board approved payment of the bill of Hawthorne Press in the amount of \$48.36 for publication of legal notices.

**Minutes**

On motion by Joustra with second by Chamberlin, the Board voted approval of the minutes of the work and regular sessions of the Board for August 16, 2010.

**Annual Report**

Mr. Collins explained the statutory requirement and on motion by Silvestri with second by Schroter, the Board adopted its Annual Report of Actions Taken for the year 2009 and directed the Secretary to provide copies to the appropriate agencies.

**Old Business**

**Hearings**

1. **Puddingstone Goffle Holdings, LLC.** 896 Goffle Road, Lots 10 & 11, Block 267. On motion by Joustra with second by Chamberlin, the Board continued to October 18 the hearing of an application for interpretation/variance to erect a 7-11 Convenience Store on the site of a former Shell Oil Service Station requiring a use variance and an impervious coverage variance in the R-1 Residence Zone.

2. **Pompeo and Anna Marie Messano.** 29 Wagner Place, Lot 6.01, Block 24. On motion by Chamberlin with second by Schroter, the Board continued to October 18 hearing of an application to convert a single family home to a two family home in the R-2 Residence Zone requiring density, lot area, lot area per dwelling, width and combined side yards variances.

### **Old Business Resolutions**

1. **Yerman Santana.** 111 Passaic Avenue, Lot 11, Block 20. On motion by Joustra with second by Silvestri, the Board adopted a memorializing resolution granting an application to add a garage to a two family home in the R-2 Residence Zone requiring lot and impervious coverage variances.

### **New Business Hearings**

1. The Chairman called for the hearing of the application of **Van Den Berg Realty, LLC.**, Fourth and Utter Avenues, 119 Fourth Avenue, Lot 1, Block 167. The applicant was represented by Francis J. Battersby, Esq., who appeared on behalf of and with the applicant Albert W. Van Den Berg and Bruce Rigg, licensed Engineer. He

described the application as one for approval of a two family home in the R-2 Residence zone wherein the only variance needed is one for lot width. It was testified further that there would be no garages but adequate driveway space for the required number of off-street parking spaces would be provided. Mr. Rigg testified that additional width from neighboring properties is unavailable. No member of the audience wished to speak on the matter and, on motion by Chamberlin with second by Silvestri, the application was granted.

2. The next matter to be heard was the application of **Eleanor Solloway**, 88 Genevieve Avenue, Lots 10 & 11, Block 162. The applicant appeared and was sworn. She stated her wish to add an open front porch to her home in the R-2 Residence zone. The project required front yard and centerline setback variances. It was noted that there are other porches in the neighborhood and the setbacks proposed would be consistent with the existing streetscape. No member of the audience wished to comment and on motion by Schroter with second by Joustra, the application was approved.

3. The application of **Roy E. Klinger**, 380 Van Winkle Avenue, Lot 10, Block 228, was heard next. The applicant appeared with his architect, Jordan Rosenberg, 102 Chestnut Street, Ridgewood, New Jersey who testified that the application is for a rear yard deck which would follow the lines of the existing building and allow access to the rear yard from the applicant's kitchen/dinette area. Side yard variances, single and combined, are required due to the home's location on a lot approximately 53% of the required minimum size in the R-1 Residence zone. Other similarly sized decks are in the

neighborhood. No public comment was offered and on motion by Joustra with second by Silvestri, the application was granted.

4. The application of **Artur Klawinowski**, 123 Rock Road, Lot 7, Block 282, was next to be heard. The applicant appeared with his realtor, Lindsey Katz of Butler, New Jersey, who explained the application due to the applicant's difficulty with the language. The project involves enclosing the existing porch of this R-2 Residence zone home, and adding a portico and steps to the front yard. In addition the second floor would be expanded five feet in the front and three feet in the rear. Front yard variances for the house, second floor and portico are required. The purpose is to expand the three sub-standard bedrooms on the second floor to allow living arrangements for the applicant and his father. An audience member, Dolores Oria of 103 Rock Road, expressed concern about potential drainage impact on her property and was told she should refer any complaints to the building department as and when they arose. There being no further comment, on motion by Silvestri with second by Chamberlin, the application was approved.

**Old Business**  
**Hearings**

5. The final matter to be heard was the continuation of the hearing of the application of the **Patriot Development Corp.** The applicant was represented by Jerome A. Vogel, Esq., Jeffer, Hopkinson & Vogel, Esqs. Mr. Vogel reintroduced Raymond Walker of Masur Consulting, Red bank, New Jersey who had previously testified as an

environmental specialist. His return was prompted by questions asked at a prior meeting. He stated that the Passaic County Open Space Master Plan did not affect this project; that the clearing of vegetation from the site would have little, if any, effect on the noise level at the property and that he would supply a written addendum encapsulating tonight's testimony and reporting on compliance with the Borough's Tree Removal ordinance.

Philip Savoie, 188 Buena Vista Avenue, Chairman of the Hawthorne Shade Tree Commission, asked about noise level attenuation.

The next witness was Guy Olsen, 17 Gladding Road, Caldwell, New Jersey, a licensed engineer with traffic/transportation emphasis. He described the contents of his traffic report dated June 30, 2010 and reported on various levels of service at Goffle Road intersections and concluded that the additional traffic generated by the proposed development would not create any appreciable increase on the Goffle Road traffic. Further, he described the internal roadway as a private driveway, negotiable with safety if the speed were to be limited to 20-25 mph. A discussion followed as to how best to assert that control and insulate the governing body against future requests to adopt the drive as a public road. At this point a member of the Hawthorne Environmental Commission, (name and address not understandable), questioned the witness about the timing of the traffic counts and lighting for the internal roadway and this last issue was referred to Mr. McGowan, the site engineer, present in the audience.

The final witness for the evening was Harry Goldstein, Registered Architect, of Montebello, New York. An associate of Eric Knute Osborn, the project architect, he testified as to the floor plans and building materials proposed. Not the originator of or contributor to the architectural submissions, his testimony was accepted by the Board with the condition that Mr. Osborn might have to be called at a later time. He stated there would be no difference between the affordable housing units and those to be market-rated and, if necessary, the building interiors could be re-arranged to provide for an assortment of one, two and three bedroom units. The buildings would not be sprinklered.

Mr. Schroter asked for plans for the three single family homes the applicant was providing and Mr. Vogel expressed a willingness to do so.

There followed a discussion of the Minnicozzi flag lot proposal and Mr. Vogel was reminded of the Board's continued reluctance to approve similar situations. He acknowledged the problem and suggested any resolution approving the Patriot aspect of the project should be conditioned on a subdivision application of no more than three Minnicozzi lots.

At this point Mr. Savoie asked Mr. Goldstein about any plans for energy efficient design and was told there were none presently.

The hearing closed with a promise by Mr. Burgis to submit a copy of his written Planner's report to Mr. Vogel in advance of the next meeting which was tentatively scheduled for October 18, 2010.

On motion by Silvestri with second by Chamberlin, the Board continued the matter to October 18.

There being no further business to come before the Board, on motion by Joustra with second by Chamberlin, the regular public meeting of the Hawthorne Zoning Board of Adjustment for September 20 was adjourned at 9:45 PM.

Respectfully Submitted,

*Charles C. Collins, Jr.*

Attorney/Secretary