

MINUTES OF THE REGULAR MEETING OF THE
HAWTHORNE ZONING BOARD OF ADJUSTMENT
JULY 21, 2008

The July 21, 2008 regular public meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:33 p.m. by Vice Chairman Gallagher. All members were present except Messrs. Hallock and Michalski. In addition, Charles C. Collins, Jr., Attorney/Secretary, and John Pacholek, representing the Borough Engineer, were present.

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

1. The Vice Chairman then called for the hearing on the application of P **S E & G Co.**, 236 Sixth Avenue, Lot 1, Block 241. The applicant was represented by David Richter, Esq., of PSEG Services Corporation. He described the application as one to reinforce an electrical substation by expansion of existing control house in the I-1 Industrial Zone requiring use, fence and front yard setback variances. His first witness was Owen Stats, 150 Circle Avenue, Clifton, New Jersey, a distribution planner for the applicant. He was sworn and testified that the purpose for the proposal is to handle increased electrical loads in Hawthorne. He stated that without the additions there would be increased shortages in the Borough but

when completed the additions would result in a more reliable system. No new employees or additional vehicular traffic is anticipated. Mary Jane Clewell, 251 Ninth Avenue, Hawthorne questioned the frequency of visits to the substation.

The next witness was Ronald Tkach, a professional engineer and professional planner whose credentials as a licensed professional planner were accepted by the Board. He testified that the applicant seeks a use variance for expansion of a non-conforming use, a front yard setback variance and a variance for fence height. It is his opinion that special reasons are present to support the application since safe and reliable electrical service contribute to the general health and welfare. No nuisance conditions would be created and the location of the substation is particularly suited to the development having been there for over 35 years. He found no substantially adverse impact to the public health, safety and welfare or the master plan and zoning ordinance. He noted that the proposal is consistent with the New Jersey Master Plan for safe and reliable energy sources.

It was stated that, if approved, the work would begin in September and last for about three months outside with a further three months for interior work and three months thereafter for testing.

Janet Roszkowski, 261 Ninth Avenue, questioned the arrangements for lighting and her husband, Chester, questioned road repair and tree removal.

A discussion then followed about possible screening. Billy H. Herriott, Jr., the project manager argued against slats in the chain link fence because of the need for visibility of the interior of the lot from the street.

David Berrian, 135 Roosevelt Avenue, commented on the frequency of lightening strikes in the neighborhood.

Mr. Richter made a short summation and after some discussion, on motion by Mele with second by Scully the application was approved with the conditions that the applicant consult with the Borough Engineer to provide efficient shielding of all lights and possible screening of the property.

Mr. Michalski arrived at 8:20 PM.

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

On motion by DeRitter, with second by Scully, the bill of the Board Secretary for postage in the amount of \$125.86 was approved for payment.

3. **Minutes.** On motion by DeRitter, with second by Mele, the Board voted approval of the minutes of the work and regular sessions of the Board for June 16, 2008

4. **Annual Report.** On Motion by Silvestri with second by DeRitter, the Board adopted its annual report and resolution for the year 2007.

5. Resolutions.

A. **Enterprise Outdoor Advertising, L.L.C.** On motion by Silvestri with second by Mele, the Board adopted a resolution authorizing and directing the Board Attorney to take all appropriate Steps to defend the Board against approving an application 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.

B. **Zira, Inc.** 158-160 Lincoln Avenue, Lots 10, 11, 12, and 13, Block 21. On motion by Mele with second by Michalski, DeRitter abstaining, the Board adopted a memorializing resolution approving, on conditions, an application to expand a restaurant use in the B-I Neighborhood Commercial and R-2 Residence Zone requiring side yard, parking and use variances.

There being no further business to come before the Board on motion by Silvestri with second by Mele, the regular public meeting of the Hawthorne Zoning Board of Adjustment for July 21, 2008 was adjourned at 8:30 PM.

Respectfully Submitted,

Charles C. Collins, Jr.

Attorney/Secretary