

**MINUTES OF THE REGULAR MEETING OF THE
HAWTHORNE ZONING BOARD OF ADJUSTMENT
AUGUST 16, 2010**

The August 16, 2010 regular public meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:37 p.m. by Chairman Hallock. All members except Terraglia were present. In addition, Charles C. Collins, Jr., Attorney/Secretary, Joseph Burgis, Borough Planner, and Michael Kelly representing the Borough Engineer, were present.

Bills

On motion by Gallagher with second by DeRitter, the Board approved payment of the bill of Hawthorne Press in the amount of \$44.46 for publication of legal notices.

Minutes

On motion by Joustra with second by DeRitter, Silvestri and Hallock abstaining, the Board voted approval of the minutes of the work and regular sessions of the Board for July 19, 2010.

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

He announced that the Van Den Berg Realty application would be heard at the September meeting and that the Puddingstone Goffle Holdings matter would be continued on the date as well if their escrow deposit was replenished.

New Business

Hearings

1. The Chairman called for the hearing of the application of **Yerman Santana**, 111 Passaic Avenue, Lot 11, Block 20. The applicant appeared and was sworn. He testified that he is seeking to erect a one car garage on his property for his two-family home. Variances for lot coverage, 35% permitted, 36.9% proposed, and impervious coverage, 50% permitted and 65.2% proposed. He indicated further that several of his immediate neighbors had erected garages on similarly sized lots. The Board acknowledged that every effort to reduce on-street parking in the

Borough is helpful. No one in the audience wished to speak on the matter and, on motion by Silvestri with second by Joustra, the application was approved.

Old Business
Hearings

1. The Chairman then called for the continuation of the hearing of the **Patriot Development Corp.** application. The applicant was represented by Jerome A. Vogel, Esq., Jeffer, Hopkinson & Vogel, Esqs. Mr. Vogel itemized the reports that had been submitted by the applicant since the last hearing date and called Michael McGowen, McGowen Engineering, the site engineer to discuss the submissions. He reported as follows:

- The grading and drainage plan had been modified to remove the detention basin at the foot of the property at Goffle Road. Instead a series of underground drains would be located in the “emergency access” road entering the property from Lynack Road. As was the case with the basin to be replaced, storm filters would be used to capture suspended solids and these would be replaced every year or so by the condominium homeowners’ association. The old basin area could now be landscaped appropriately. This new system which will discharge at a controlled rate into the Goffle Brook is said to meet the requirements of the DEP.
- Two separate water supplies would be provided, one from Goffle Road to furnish water for the single family homes (lower system) and one coming in from Lynack Road to supply the townhouses (upper system). Flow tests were conducted to determine whether the proposed water supply is adequate to meet both domestic needs and fire fighting and was found more than adequate.
- Flow meters were also used to determine the competence of the existing sanitary sewer system to accept the project’s discharge and it was found to be adequate.

Mr. McGowen was then asked to comment on the issues raised by the letter of the Borough Engineer dated August 11, 2010. He stated:

- He commented on the reasoning behind the decision to provide sidewalks on only one side of the street
- He noted that based upon the calculations of the Borough Engineer, the project would have more parking spaces than required and would retain the six on-street spaces currently proposed to handle any visitors' needs.
- On the issue of the Minicozzi subdivision it was recognized that no application was presently before the Board but nevertheless some Board members expressed their dislike for "flag" lots. A question was raised whether, if the number of lots was reduced to three, would that bring the density into line, and, if so, would that oust the Board's jurisdiction over the application.
- The applicant agreed to report back on the question whether there would be fire suppression systems in the dwellings.
- On the issue of tree removal it was acknowledged that the author of the applicant's response to the concerns raised by the Hawthorne Shade Tree Commission was not present but his presence and testimony was promised for the next meeting.
- It was agreed that the lighting plan would be submitted to Boswell Engineering are approval as agent for the Board.
- Some additional questions related to the proposed retaining walls have been raised and answers are to be sent directly to Boswell.

- As for landscaping, the Board would consider the potential for the vacated basin area and acknowledged it accepts the revised plan utilizing the “emergency access” as proposed by Dr. Pazwash of Boswell.
- The question of the applicability of the new “buffer” ordinance was raised and it was agreed that literally this site met the criteria for eligibility. The applicant agreed to amend its application to seek relief from the requirements of the variance inasmuch as the residential property the project abutted is a County park.

The hearing was then opened to the public.

Rayna Laiosa, 89 Minerva Avenue, chairperson of the HEC asked for a copy of the report which accompanied the revised grading and drainage plan and queried about the direction of drainage flow across the property.

A five minute recess was taken at 9:10 PM.

Upon resumption of the hearing, Mr. Vogel called Raymond Walker of Masur Consulting, Red bank, New Jersey who was qualified as an environmental specialist.

He described the property which was inspected in February, 2010 to determine whether any environmentally sensitive areas existed and the possible impact of the project thereon.

His conclusions are:

- No bedrock so no blasting should be necessary.
- Aquifer will be adequately recharged.
- Will be a loss of trees and vegetation but no significant adverse impact therefrom.
- No archeological sites located on the property.
- There will be a short term noise impact from the construction; expect levels of 50 – 70 decibels but this is normal.

- No appreciable air pollution, and
- Animal habitats will not be substantially disturbed given the Goffle Brook Park across the road.

Questioned about compliance with the Borough tree removal ordinance and the Passaic County Open Space Master Plan, the witness promised to update his report on these issues.

The public was asked for questions and Philip Savoie, Chairman of the Hawthorne Shade Tree Commission, asked about possible increase of noise and air pollution due to the loss of trees and vegetation.

At this point, Mr. Vogel concluded the night's presentation and indicated his next witness list included a traffic expert, architect, the tree removal expert and, possibly, Mr. McGowen.

The final matter to be heard was the application of Pompeo and Anna Maria Messano, 29 Wagner Place, Lot 6.01, Block 24. The applicants were represented by Ralph E. Faasse, Esq. Carbone and Faasse, Esqs., 401 Goffle Road, Ridgewood, New Jersey 07450, who described the application as one to convert a single family home to a two-family home in the R-2 Residence Zone District, a permitted use. Variances were sought for density, lot area, area per dwelling, lot width and combined side yards. The applicants had David Troast, 53, Ninth Avenue, Hawthorne, New Jersey, a Professional Planner, available for testimony. Mr. Troast had previously submitted a report with photographs in support of the application and indicated, under oath, that his conclusions had not changed.

The Board indicated the zoning violations were *de minimis* but when the applicant was asked how the interior of the home would be rearranged to create two separate dwelling units he

was unable to do so and the matter was adjourned on motion by Gallagher with second by Schroter to the September 20 meeting date.

The matter was opened to the public and Edward Berger, 2 Norma Terrace, spoke in opposition to the grant of the requested relief and the hearing was closed.

There being no further business to come before the Board, on motion by Joustra with second by Gallagher, the regular public meeting of the Hawthorne Zoning Board of Adjustment for August 16, 2010 was adjourned at 10:23 PM.

Respectfully Submitted,

Charles C. Collins, Jr.

Attorney/Secretary