

**MINUTES OF THE REGULAR MEETING OF THE
HAWTHORNE ZONING BOARD OF ADJUSTMENT
FEBRUARY 22, 2010**

The February 22, 2010 regular public meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:33 p.m. by Chairman Hallock. All members were present except Messrs. Duffy, Joustra and Silvestri. In addition, Charles C. Collins, Jr., Attorney/Secretary, Joseph Burgis, Borough Planner and Michael Kelly, P.E., 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.

The Chairman announced that the Board intended to adjourn, at the request of the applicant, the hearing of the application of 116 Washington Avenue, LLC to the April meeting date.

Bills On motion by Gallagher, with second by Terraglia, the bills of the Hawthorne Press for legal publications in the amounts of \$18.72 and \$39.00, and of the Board Secretary for legal publication and overnight delivery in the amounts of \$37.40 and \$14.81, were approved for payment.

Minutes On motion by Gallagher with second by Terraglia, the minutes of January 18, 2010, work and regular, were approved.

**Old Business
Resolution**

1. **Lauren Enterprises, LLC**, 80 Mohawk Avenue, Block 53, Lot 8. On motion by Gallagher with second by Schroter, the Board denied an application for side yard variance in the R-2 Residence zone.

2. **116 Washington Avenue, LLC**. 116, 122 Washington Avenue, Lots 32 and 31, Block 29. On motion by Terraglia with second by DeRitter, the Board adjourned the continued hearing of an application for use and bulk variances and site plan and subdivision approvals for multi-family residential development in the R-2 Residence Zone to the April 19, 2010 meeting date.

Old Business
Hearings

The Chairman called for the continued hearing of the application of **Patriot Development Corporation**. Lots 1, 2, 2.01, 2.02, 11, 12, and 13 in Block 90 and lot 6 in Block 89, to develop 20 town homes and 7 single family homes requiring “d” and “c” variances in the R-5 Planned Unit Development zone. The applicant was represented by Jerome A. Vogel, Jeffer, Hopkinson & Vogel, Esqs., 1600 Rte 208 North, Hawthorne, who advised that he had two witnesses for the evening and called his first witness, Harry Baker, Harry Baker Associates, New City, New York.

Mr. Baker was offered as a traffic consultant but, after some questioning, it was learned that he was not licensed as an engineer in any State. The Board questioned the value of his proposed testimony and, after a short recess, Mr. Vogel withdrew the witness and promised to present new traffic testimony at the next meeting date.

He then called as his second witness, Bruce R. Katona, 475 Rte 304, New City, New York who testified that he is the Director of Development of the applicant’s parent company that is in the business of developing “turn key” residential properties. His area of responsibility is the Tri-State region.

The bulk of his testimony was a reiteration of the description of the property and proposed project including the Minicozzi subdivision. Between Mr.

Vogel and the witness it was explained that a vital portion (the "sword point") of the Minicozzi owned property is needed for the Patriot development and the price for the availability of that portion is approval, at Patriot's expense of a four lot subdivision, one lot of which would be "land-locked".

Mr. Katona reviewed with his attorney a letter sent by the Borough Shade Tree Commission and acknowledged that the applicant would comply with the concerns stated therein.

Mr. Vogel stated that a tree survey had been prepared and would be presented at the next meeting.

Mr. Katona offered his opinion that the retaining walls proposed would not adversely impact neighboring properties and, in answer to a question from Mr. Kelly, promised to provide the Board with the location of a topographically comparable development in Congers, New York.

On the issue of density, the witness admitted that a reduction in the number of proposed townhouses might eliminate the need for a variance and Mr. Vogel promised to provide the Board with the density calculation if the Minicozzi lots were excluded.

The meeting was opened to the public and Philip Savoie, Chairman of the Borough Shade Tree Commission, 445 Lafayette Avenue, Hawthorne asked whether the tree survey to be presented would include detailed protection measures and whether the development would comply with the mandated "undisturbed buffers". The applicant agreed to comply with all Borough regulations in these matters.

There being no further questions from the public, Mr. Vogel was advised that the next date for continuation would be April 19, 2010.

On motion by Gallagher with second by Terraglia the matter was carried to April 19, 2010.

There being no further business to come before the Board on voice vote the regular public meeting of the Hawthorne Zoning Board of Adjustment for February 22, 2010 was adjourned at 8:51 PM.

Respectfully Submitted,

Charles C.

Collins, Jr.

Attorney/Secretary