

**ORDINANCE NO. 2120-14**

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 293, LAND USE PROCEDURES, AND CHAPTER 220, FEES, SO AS TO PROVIDE FOR PAYMENT OF COSTS FOR SPECIAL MEETINGS AND PAYMENT OF LEGAL EXPENSE FOR CERTAIN ZONING BOARD APPLICATIONS**

BE IT ORDAINED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

Section 1. Chapter 293, Land Use Procedures, Section 293-27, Meetings, is hereby amended so as create thereunder section 293-27 (F), setting forth the procedure for and payment of expense for Special Meetings requested by an applicant before any Land Use Board, with the same to read as follows:

F. The Planning Board and Zoning Board may, in the discretion of the Chair of such Board, hold one or more Special Meetings at the request of an applicant, devoted to the hearing of such applicant's matter before the Board. Such meeting or meetings shall be held on notice to its members and the public in accordance with law. In the event an applicant requests a Special Meeting or Meetings, it shall make payment upon approval by the Chair to the Borough of Hawthorne in the amount of \$1,000 so as to off-set expenses of the Borough in such regard for each such meeting date that go beyond expenses incurred in the ordinary course.

Section 2. Chapter 220 of the Code of the Borough of Hawthorne, Fees, Section 220-10, Board of Adjustment, shall be amended and supplemented to add thereto the following provision:

Escrow Deposit. Whenever it is determined that an escrow payment is required for review of any application by professionals serving the Board including Engineering and Planning review, the applicant shall also be responsible for payment through such escrow account legal expenses for the cost of preparation of any resolution of approval or denial at the hourly rate then charged by the Board Attorney to the Borough.

Section 3. The remaining portion of Chapter 293, Land Use Procedures, and Chapter 220, Fees, shall remain in full force and effect except as modified hereunder and except to correct, at Section 293-33 (B), a typographical error in the first sentence so as to include the number 10 between the words "within" and "days." All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final adoption and publication as provided by law.

Frank E. Matthews  
Council President

Attest:  
Lori DiBella, RMC  
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on June 18, 2014. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on July 9, 2014, at 7:00 p.m., at which time and place all interested members of the

public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori DiBella, RMC  
Borough Clerk

**THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON JULY 9, 2014.**

**ATTEST:**

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**Lori DiBella, RMC**  
Borough Clerk

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**Frank E. Matthews**  
Council President

**APPROVED:**

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**Richard S. Goldberg**  
Mayor