

**MINUTES OF THE WORK SESSION MEETING**  
**OF THE HAWTHORNE ZONING BOARD OF ADJUSTMENT**  
**AUGUST 15, 2011**

The August 15, 2011, work session meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:00 p.m. by Chairman Hallock. All members were present. In addition, Charles C. Collins, Jr., Attorney/Secretary, and Michael Kelly, representing the Borough Engineer, were present.

The Board indicated approval of the bill of the Hawthorne Press and the minutes of the meeting of July 18, 2011.

William Monaghan, III, Esq. was present to represent the Board in connection with the application of Mr. Collins's son for 568 Lafayette Avenue. He advised the Board that the matter wouldn't be heard this evening for failure of notice and would have to be rescheduled for the September meeting date.

At this point the Chairman left the room and the eligible members of the Board considered the disposition of the Puddingstone Goffle Holdings, LLC, application.

Mr. Collins noted the property consisted of two lots, each of which was undersized and the Board agreed, based on the history of the property to accept the lots as merged. He then explained the issues involved.

The application is couched in the alternative, a request to interpret the residential designation of the property as inapplicable because of the history of non-residential use consisting substantially of gasoline service station operation. The, with such an interpretation accepted, to find that a Seven 11 convenience store could be recognized as a natural evolution of a service station because of the modern marriage of convenience store/service station and, accordingly a permitted use.

In the event the Board did not agree with that position the applicant seeks a use variance to permit a convenience store on the property.

Mr. Collins read the language of the statute and asked the Board whether the applicant's request for interpretation fell within the enabling language. The Board concluded that it did not and an interpretation, consequently, could not be made.

Mr. Collins explained that the Board might choose to consider the failed interpretation request as an application for a certificate of prior non-conforming use under NJSA 40:55D-68. In that event the issues of abandonment first and whether a convenience store and a gasoline service station are identical uses in every respect would need to be considered.

The Board elected not to spend any time on those issues and proceeded to determine whether the applicant had satisfied its burden for the grant of a use variance. The Board concluded that neither the "special reasons" required nor the negative criteria had been shown.

The work session concluded at 7:35 PM.

Respectfully submitted,

*Charles C. Collins, Jr.,*  
Attorney/Secretary

**MINUTES OF THE REGULAR MEETING**  
**OF THE HAWTHORNE ZONING BOARD OF ADJUSTMENT**  
**AUGUST 15, 2011**

The August 15, 2011, Regular meeting of the Hawthorne Zoning Board of Adjustment was called to order at 7:36 p.m. by Chairman Hallock. All members were present. In addition, Charles C. Collins, Jr., Attorney/Secretary, and Michael Kelly, representing the Borough Engineer, were present.

Following the flag salute, the Chairman announced that the application of Charles Collins was being postponed to the September meeting date.

On motion by Schroter with second by Terraglia, the Board approved the bill of the Hawthorne Press (\$42.90).

On motion by Gallagher with second by Duffy, Hallock abstaining as to Puddingstone Goffle Holdings, LLC segment, the Board approved the minutes of the July 18, 2011 meetings, Work and Regular.

At this point Chairman Hallock and Mr. Terraglia recused themselves from further proceedings and Mr. Gallagher assumed the chair.

Mr. Gallagher then called for a vote on the Puddingstone Goffle application. On motion by Schroter with second by Joustra the Board denied the application for interpretation. On motion by Duffy with second by Chamberlin the Board then denied the use variance application.

There being no further business to come before the Board, on motion by Chamberlin with second by DeRitter, the regular public meeting of the Hawthorne Zoning Board of Adjustment for August 15, 2011 was adjourned at 7:42 PM.

Respectfully submitted,

*Charles C. Collins, Jr.,*  
Attorney/Secretary