

AGENDA

April 19, 2023 ~ 7:00 PM

Borough of Hawthorne, Passaic County, NJ

Watch Live: Altice (Cablevision) Ch. 77, Verizon Fios Ch. 28

Facebook: Borough Hawthorne NJ Group <https://www.facebook.com/groups/1135979460070290>



ROLL CALL
FLAG SALUTE

STATEMENT

Adequate notice of this meeting has been provided by the Annual Schedule of Regular Meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to The Herald News, The Record, The Gazette and all persons who have requested the mailing of such since December 7, 2022.

PUBLIC COMMENT: (Agenda Items Only – 5 minute limit)

ADOPTION OF ZONING ORDINANCE 2313-23

AN ORDINANCE TO REPEAL CHAPTERS 293 LAND USE PROCEDURES, 437 STORMWATER MANAGEMENT, AND 450 SUBDIVISIONS OF LANDS, AND REPEAL AND REPLACE CHAPTER 540 ZONING, ALL BEING SET FORTH IN THE MUNICIPAL CODE OF THE BOROUGH OF HAWTHORNE, PASSAIC COUNTY, NEW JERSEY AND TO CREATE A NEW CHAPTER 540 ENTITLED, “ZONING AND LAND USE DEVELOPMENT ORDINANCE OF THE BOROUGH OF HAWTHORNE.”

OLD BUSINESS ~ NEW BUSINESS

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR LANE

PROCLAMATION FOR ARBOR DAY

REPORTS: Borough Attorney Michael J. Pasquale, Borough Engineer Dr. Stephen T. Boswell

INTRODUCTION OF ORDINANCE NO. 2316-23

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 444, STREETS AND SIDEWALKS, ARTICLE XI, SIDEWALKS, CURBS AND DRIVEWAY APRONS, SECTION 444-25, MAINTENANCE AND REPAIR, SO AS TO PROVIDE FOR REPAIR OR REPLACEMENT OF UNSAFE SIDEWALKS RELATED TO SHADE TREE PLANTING

RESOLUTIONS: CONSENT AGENDA

R 60-23 Tax Appeal

REPORTS OF SPECIAL COUNCIL COMMITTEES

CORRESPONDENCE: C-1 New firefighter applicant Andrew Dutzar to Engine 1.

BILLS

PUBLIC COMMENT

ADJOURNMENT

**THE NEXT COUNCIL MEETING IS
WEDNESDAY, MAY 3, 2023 AT 7 PM**

ORDINANCE NO. 2316-23

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 444, STREETS AND SIDEWALKS, ARTICLE VI, SIDEWALKS, CURBS AND DRIVEWAY APRONS, SECTION 444-25, MAINTENANCE AND REPAIR, SO AS TO PROVIDE FOR REPAIR OR REPLACEMENT OF UNSAFE SIDEWALKS RELATED TO SHADE TREE PLANTING

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 444, Streets and Sidewalks, is hereby amended so as add thereto Section 444-25 (C), providing for repair or replacement of sidewalk deemed unsafe or unfit to walk upon where the condition is caused solely due to growth of a shade tree planted by the Borough of Hawthorne, the new subsection to read as follows:

CHAPTER 444

STREETS AND SIDEWALKS

ARTICLE VI

SIDEWALKS, CURBS AND DRIVEWAY APRONS

Section 444-25 Maintenance and Repair

C. Notwithstanding the foregoing, in the event the Borough of Hawthorne plants a shade tree in the area between the sidewalk and the curb or street from and after June 1, 2023, and the shade tree is determined by the Borough Engineer to be the sole cause of the sidewalk becoming unsafe or unfit to walk upon, the Borough of Hawthorne shall undertake the repair or replacement of such affected sidewalk area at its cost and expense. The Borough of Hawthorne shall be under no obligation to make any inspection to determine whether or not an unsafe condition exists unless notice is received from the abutting owner that a suspected unsafe condition exists. In such event, the Borough Engineer shall inspect the sidewalk to determine whether or not there is an unsafe condition and whether or not the cause of such condition solely relates to growth of the planted shade tree. If the Engineer determines that the sidewalk requires repair or replacement and the cause is not solely related to growth of the shade tree, it shall remain the obligation of the abutting owner to make such repair or replacement.

Section 2. If any section, subsection or part of this ordinance is adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not impair or invalidate the remainder of this ordinance.

Section 3. This Ordinance shall take effect upon final adoption and publication as provided by law.