

January 24th, 2022
Hawthorne, NJ

The Reorganization Meeting of the Zoning Board of Adjustment of the Borough of Hawthorne was held on the above date at 6:50 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

FLAG SALUTE

Board Member Gallagher invited all present to join him in the Pledge of Allegiance.

“Adequate Notice of this meeting has been posted on the Municipal Bulletin Board, published in the legal newspaper of the Borough and a schedule, including date and time, provided to all persons entitled by law to same. “

ROLL CALL

Board Member.....	John F. Gallagher
Board Member.....	David A. Schroter
Board Member.....	Victor Cuttitta, Jr.
Board Member.....	Eleanor C. Wenzke
Board Member	Lyle Hatch
Board Member.....	Jodi DeMarco
Board Member.....	Marco Totaro
Board Member (Alternate #1)	Brian J. Lind
Board Member (Alternate #2)	Danilo Ramirez

Also present was Board Attorney, James Delia, Board Engineer Mike Kelly, Zoning Officer Gene DeAugustines and Board Secretary Joan Herve.

REORGANIZATION

Meeting is turned over to Secretary to accept nominations for office:

Board Secretary asked for nominations for Chairman. Motion by Schroter to nominated Mr. Gallagher as Chairman, seconded by Cuttitta, on a roll call vote, all voted yes, with the except of Gallagher who abstained. Motion Carried.

Board Secretary asked for nominations for Vice Chairman. Motion by Cuttitta to nominated Mr. Schroter as Vice Chairman, seconded by Gallagher, on a roll call vote, all voted yes, with the exception of Schroter who abstained. Motion Carried.

Meeting is turned over to Chairman Gallagher who calls for nominations for Secretary.

Chairman Gallagher entertained a motion to appoint Joan Herve as Board Secretary; Moved by Cuttitta seconded by Lind, on a roll call vote, all voted yes. Motion Carried.

Chairman Gallagher entertained a motion to appoint Jim Delia as Board Attorney; Moved by Cuttitta, seconded by Wenzke, on a roll call vote, all voted yes. Motion Carried.

Mayor Lane administered the Oath to Jim Delia, Board Attorney

The following members were appointed and re-appointed by Mayor Lane:

- Victor Cuttitta, Jr - for a y-year term expiring 12/31/25
- Eleanor Wenzke – for an unexpired term 12/31/2024
- Lyle Hatch – for an unexpired term 12/31/2022
- Jodie DeMarco, Esq. - for a 4-year term expiring 12/31/25
- Marco A. Totaro – for a 4-year term expiring 12/3125
- Brian J. Lind (alt. #1) – for a 2-year term expiring 12/31/23
- Danilo Ramirez (alt. #2) – for an unexpired term 12/31/22

BILLS:

Chairman Gallagher entertained a motion to approve the bill list and forward it to the Treasurer for payment, moved by Cuttitta, seconded by a Wenzke. On a roll call vote, all presented voted yes. Motion Carried.

Herald News: Notice of Action:	\$41.80
Herald News: ZBA 2022 Meeting Schedule:	\$13.30
Record: ZBA 2022 Meeting Schedule:	\$15.75

APPROVAL OF MINUTES

Chairman Gallagher entertained a motion to approve the minutes of the Regular Meeting of December 20, 2021 moved by Schroter, seconded by Wenzke. On a roll call vote, all voted yes (Cuttitta, Gallagher, Hatch, Schroter, Wenzke). Motion Carried.

MEMORIALIZED RESOLUTION

Resolution #2022-01 – Kristal McDowell (34 Brookside Avenue, Blk 91, Lot 18)

Memorialized Resolution for applicant who was approved for variance approval to construct a non-conforming garage structure for relief pursuant to Article 540-14A of the Borough Code Book requires a minimum side and rear yard setbacks for accessory structure of four (4') feet. The Applicant proposes side and rear yard setbacks of two (2') feet.

Chairman Gallagher entertained a motion to Memorialize Resolution #2022-01, moved by Wenzke, seconded by Cuttitta. On a roll call vote.

Ayes: Cuttitta, De Ritter, Gallagher, Sasso, Schroter, Wenzke

Nays: None

Motion carried

OFF-RESOLUTIONS

Resolution #2022-02 – Adoption of 2022 ZBA Annual Report

WHEREAS, the Municipal Land Use Law requires that the Zoning Board of Adjustment, shall, at least once per year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendments or revisions, if any; and

WHEREAS, the Board has prepared its Annual Report in this regard for the calendar year **2021**, and said report reviews the decisions of the Board on applications and appeals as required by the Municipal Land Use Law, and further sets forth findings of the Board on zoning ordinance provisions which were the subject of variance requests as well as the recommendation of the Board, if any, as may be set forth in said report, regarding zoning ordinance amendments and/or revisions;

WHEREAS, said Report was considered and approved by the Board at the time of its public meeting on **January 24, 2022**;

NOW, THEREFORE, the Board hereby adopts said Annual Report, and the Board hereby further respectfully submits said Annual Report along with this resolution adopting same, to the Mayor and Council and the Planning Board of the Borough of Hawthorne

ZBA 2021 Annual Report

This memorandum sets forth a brief summary of the Board's formal action in 2021. There was a total of three resolutions adopted as follows:

- 2021-003 – 293 Lafayette, LLC: 293 Lafayette Avenue, Block 105, Lots 12 and 13 – Approving density variance relief to permit five residential units above a commercial unit where up to two units are allowed, and a variance for fence height (B-2 Zone).
- 2021-004 – Martiniello: 30 Buena Vista Avenue, Block 100, Lot 17 – Permit the expansion of a non-conforming two family use in the R-1 Zone, for an addition to the second floor rental unit.

Chairman Gallagher entertained a motion to adopt the 2021 ZBA Annual Report Resolution #2022-02, moved by Hatch, seconded by Cuttitta. On a roll call vote, Ayes: Cuttitta, Gallagher, Hatch, Schroter, Wenzke, Nays: none. Motion Carried.

Gary and Celene Luscher, 103 Mountain Avenue (block274, lot 4)

This site is located in the Residential (R-1) Zone.

Tabled to the February 28, 2022. Applicant is seeking variance approval to construct a detached 3-bay garage on their existing lot. The property contains a single-family, shed and in-ground pool making the garage a third accessory structure where two are permitted pursuant to Article 540-8B (accessory Structure) and 54014 (D) Accessory Structure Height. Where has the garage height will be 23 feet where 15 feet is permitted. And any other variances deemed necessary.

Chairman Gallagher entertained a motion to table this application to the February 28, 2022, moved by Hatch, seconded by Cuttitta. On a roll call vote, Ayes: Cuttitta, Gallagher, Hatch, Schroter, Wenzke, Nays: none. Motion Carried.

ADJOURNMENT

At 7:35p.m. Chairman Gallagher entertained a motion to adjourn the regular meeting, moved by Hatch, seconded by Cuttitta. All in favor, "Aye".

THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT WILL BE ON

~MONDAY, FEBRUARY 28th, 2022 ~

THE WORK SESSION WILL BEGIN AT 6:45P.M. WITH THE REGULAR MEETING IMMEDIATELY
FOLLOWING

Respectfully Submitted,

Joan Herve, Secretary