

August 21, 2023  
Hawthorne, NJ

The regular Meeting of the Zoning Board of Adjustment of the Borough of Hawthorne was held on the above date at 6:45 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

**FLAG SALUTE**

Chairman 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- <b>absent</b>
Board Member.....	Victor Cuttitta, Jr.
Board Member.....	Eleanor C. Wenzke - <b>absent</b>
Board Member .....	Lyle Hatch - <b>absent</b>
Board Member.....	Jodi DeMarco
Board Member.....	Marco Totaro
Board Member (Alternate #1) .....	Brian J. Lind - <b>absent</b>
Board Member (Alternate #2) .....	Danilo Ramirez - <b>absent</b>

Also present was Board Attorney representative, Jameson P. Van Eck, Zoning Officer Gene DeAugustines, Peter TenKate, Boswell Engineer and Board Secretary Joan Herve.

**APPROVAL OF MINUTES**

Chairman Gallagher entertained a motion to approve the minutes of the Meeting of May 15, 2023 moved by DeMarco, seconded by Hatch. On a roll call vote, all present voted yes (Cuttitta, DeMarco, Hatch, Lind, Wenzke, Schroter, Gallagher). Motion Carried.

**MEMORIALIZED RESOLUTION**

**RESOLUTION #2023-007**

(the “Applicant”)

**48 Beverly Road (the “Property”), Lot 1.02, Block 290.02  
Hawthorne, New Jersey 07506**

**WHEREAS**, The Applicant made application to the Borough of Hawthorne Board of Adjustment for bulk variance approval in connection with the Property, located in the R-1 Residential Zone; and

**WHEREAS**, as a result of the Application, Applicant seeks to obtain approval for a Maximum Impervious Coverage variance (25% allowed and 33.3% proposed);

**WHEREAS**, the Board reviewed this matter at its public hearing on May 15, 2023; and

**WHEREAS**, after due consideration and deliberation at the aforementioned hearing, the Board did vote upon the Application and instruct the Board Attorney to prepare a Resolution memorializing the vote taken; and

**WHEREAS**, the Zoning Board of Adjustment of the Borough of Hawthorne makes the following findings of fact, based upon the evidence presented at its public hearing:

1. The Applicant is the owner of the Property. The Property is located in the R-1 Residential District.
2. The Applicant has submitted satisfactory evidence of having given statutory notice pursuant to N.J.S.A. 40:55D-12.
3. The Applicant submitted the requisite Application, dated March 27, 2023, along with the following:

A. A plan entitled Proposed Alteration: “Pool Plan, Soil Erosion, Sediment Control Plan, Notes and Details for Bristow, Located in the Borough of Hawthorne, Passaic County, New Jersey, Lot 1.02, Block 290.02, 48 Beverly Road”, prepared by Paul Gdanski, P.E., P.L.L.C., dated January 17, 2023, last revised April 18, 2023.

4. Applicant’s Engineer, Paul Gdanský gave a brief overview of the application. The applicant proposes to install a swimming pool. The total net increase in impervious coverage is 996 square feet.

5. The Applicant’s Professional Planner, Brigette Bogart, gave expert testimony that a hardship exists due to the irregular shape and grading of the Property.

6. Relief exists pursuant to N.J.S.A. 40:55D-70(c)(1) which requires that the Applicant, in order to demonstrate hardship, must show that, due to an existing condition relating to a specific piece of property or the structures lawfully existing thereon, the strict application of the zoning ordinance in question would result in undue hardship upon the developer warranting a variance from the regulation in question. This is known as a hardship or “C1” variance.

7. In this instance, the Applicant has demonstrated that a hardship exists due to the irregular shape of the Property. The Board further finds that requested variances do not pose a substantial detriment to the public good and do not substantially impair the purpose and intent of the Borough of Hawthorne Zone Code or Zone Plan.

8. In reviewing the Application, evidence and testimony, the Board finds that the variance requested by the Applicant can be granted in this instance. The Applicant has demonstrated that the proposed structure will be consistent with the existing character of the neighborhood and will promote the purposes of zoning set forth at N.J.S.A. 40:55D-2. The Board in this instance finds that the benefits to be derived from the granting of the variance requested outweigh any possible detriment resulting from the approval of the variances.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Borough of Hawthorne that the Application of Howard and Donna Bristow with respect to the Property, requesting variance relief as set forth above, be and is APPROVED for the requested variances, subject to the terms and conditions hereinafter set forth:

1. The foregoing findings of fact and conclusions of law are incorporated herein as if set forth at length.

2. The Applicant shall obtain approval from all other governmental agencies having jurisdiction over the subject Application and development, if any.

3. The Applicant shall pay all fees due and owing to the Borough of Hawthorne, including the posting of any application fees, review fees, inspection fees and/or escrow fees which may be due, prior to the issuance of any building permits.

4. The Applicant shall comply with all applicable rules, regulations, ordinances and statutes of the Borough of Hawthorne, County of Passaic and State of New Jersey with regard to the application, inclusive of Applicant’s stipulation that all of the Boswell Engineering Comments set forth in its April 6 (revised May 11) 2023 will be addressed to Boswell’s satisfaction, and in accordance with the Borough of Hawthorne Construction and Engineering Department approval(s).

5. Subject to all information, stipulations, testimony and evidence presented by Applicant during the hearing.

The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 21, 2023.

Chairman Gallagher entertained a motion to approve the Resolution #2023-007, moved by DeMarco, seconded by Hatch. On a roll call vote, all present voted yes (Cuttitta, DeMarco, Hatch, Lind, Wenzke, Schroter, Gallagher). Motion Carried.

## **NEW BUSINESS**

### **Applicant, 69 Parker Avenue, (block 182, Lot 19**

The site is located in R-2 One & Two Residential Family Zone.

Approved applicant who sought a variance approval to construct a new addition to the existing one (1) story frame dwelling on site. Variances: Minimum Lot Coverage – Article 540 Attachment 1 Borough of Hawthorne Schedule of Bulk and Coverage Controls requires a maximum Lot Coverage of 35%. A Lot Coverage of 35.9% is proposed. The existing Lot Coverage is 27%. Minimum Side Yard Setback – Article 540 Attachment 1 Borough of Hawthorne Schedule of Bulk and Coverage Controls request a Minimum Side Yard Setback of 10 feet and any other variances, waivers or other relief as the Board may deem necessary.

**PUBLIC HEARING**

Chairman Gallagher open the meeting to the public. He stated if anyone desired to be heard on, please raise your hand to be recognized, and state your name for the record. Seeing none, Chairman Gallagher closed the meeting to the public.

Chairman Gallagher entertained a motion to approve the above application, moved by Totaro with (3) conditions: as built survey, soil removal & seepage pit (if needed) seconded by DeMarco. On a roll call vote, all present voted yes (Cuttitta, DeMarco, Totaro, Gallagher). Motion Carried.

**ADJOURNMENT**

At 7:10p.m. Chairman Gallagher entertained a motion to adjourn the regular meeting, moved by DeMarco, seconded by Totaro. All in favor, “Aye”.

THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT WILL BE ON  
~MONDAY, SEPTEMBER 18<sup>th</sup>, 2023 ~

Respectfully Submitted,  
*Joan Herve, Secretary*