

March 28<sup>th</sup>, 2022  
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**

Chairman.....	John F. Gallagher
Vice Chairman.....	David A. Schroter
Board Member.....	Victor Cuttitta, Jr. - <b>absent</b>
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, Zoning Officer Gene DeAugustines and Board Secretary Joan Herve.

**BILLS:**

Chairman Gallagher entertained a motion to approve the bill list and forward it to the Treasurer for payment, moved by DeMarco, seconded by a Hatch. On a roll call vote, Ayes: DeMarco, Hatch, Lind, Totaro, Wenzke, Schroter, Gallagher. Nays: none. Motion Carried.

Herald News: Notice of Action: \$65.40  
Waldwick printing: (new plates for our new Members) \$96.00

**APPROVAL OF MINUTES**

Chairman Gallagher entertained a motion to approve the minutes of the meeting of February 22, 2022. Moved by Schroter, seconded by Wenzke. On a roll call vote, Ayes: DeMarco, Hatch, Lind, Totaro, Wenzke, Schroter, Gallagher. Nays: none. Motion Carried.

**\*\*\*\*At this point ZBA Members Schroter and Wenzke recused themselves from this portion of the meeting as they have dealings with the application in question.**

**CLOSED SESSION** - On a motion by ZBA Member Hatch, seconded by ZBA Member Totaro, the ZBA approved entering into Executive Session closed to the public. Motion Carried by roll call vote – all present voting “Aye”.

A Resolution - providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. NJSA 10:4-12

Whereas, the Zoning Board of Adjustment of the Borough of Hawthorne is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6; and

Whereas, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by resolution; and

Whereas, it is necessary for the Zoning Board of the Borough of Hawthorne to discuss in a session not open to the public certain matters relating to the item or items authorized by NJSA 10:4-12 (b) as follows:

7-Pending or anticipated litigation

Now therefore, be it resolved by the Zoning Board of Adjustment of the Borough of Hawthorne assembled in public session on March 28, 2022 that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above.

Closed Session began at 6:50 p.m. and ended at 7:27 p.m.

Chairman Gallagher entertained a motion to have Attorney Jim Delia sign the “Consent Order of Remand” for 53 Braen Avenue, LLC v. ZBA of the Borough of Hawthorne, moved by DeMarco, seconded Totaro. Ayes: DeMarco, Hatch, Lind, Ramirez, Totaro, Gallagher. Nays: none. Motion Carried.

**ADJOURNMENT**

At 7:30p.m. Chairman Gallagher entertained a motion to adjourn the regular meeting, moved by DeMarco, seconded by Lind. All in favor, “Aye”.

THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT WILL BE ON  
~**MONDAY, APRIL 18<sup>th</sup>, 2022**~

Respectfully Submitted,  
*Joan Herve, Secretary*