

April 18<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 6:50 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.
Board Member.....	Eleanor Wenzke - <b>absent</b>
Board Member .....	Lyle Hatch
Board Member.....	Jodi DeMarco - <b>absent</b>
Board Member.....	Marco Totaro
Board Member (Alternate #1) .....	Brian J. Lind
Board Member (Alternate #2) .....	Danilo Ramirez - <b>absent</b>

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

**APPROVAL OF MINUTES**

Chairman Gallagher entertained a motion to approve the minutes of the meeting of March 28, 2022. Moved by Hatch, seconded by Schroter. On a roll call vote, Ayes: Cuttitta, Hatch, Lind, Totaro, Schroter, Gallagher. Nays: none. Motion Carried.

**RESOLUTION – ADOPTION of the ZBA BY-LAWS**

Resolution#2022-03 – ZBA By-Laws

**RESOLUTION OF THE BOARD OF ADJUSTMENT  
OF THE BOROUGH OF HAWTHORNE**

**BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Hawthorne hereby adopted the By-Laws for the year 2022, attached hereto.

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 April 18, 2022.

Chairman Gallagher entertained a motion to Adopt the ZBA By-Laws. Moved by Totara, seconded by Lind. On a roll call vote, Ayes: Cuttitta, Hatch, Lind, Totaro, Schroter, Gallagher. Nays: none. Motion Carried.

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

\*note: Vice Chairman Schroter recuses himself from this application as the applicant is a client of his. Alternate 1 Board Member Brain Lind will hear this application.

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

Tabled to the May 16, 2022 meeting. 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 May 16, 2022, moved by Lind, seconded by Cuttitta. On a roll call vote, Ayes:, Cuttitta, Hatch, Lind, Totaro, Gallagher, with the exception of Schroter who abstained. Nays: none. Motion Carried.

**NEW BUSINESS**

**Diamond Brook Hollow Condominium Association, 45 Royal Avenue (block 29, Lot 10)**

This site is located in the Residential-Apartments Medium Density (R-3) Zone.

Tabled to the May 16, 2022 meeting. Applicant is seeking to install decks in the rear of ten (10) of the existing residential units on the property. Variances requested for Minimum Side Yard Variance and a Maximum Impervious Lot Coverage Variance (section 540a – SCH). The applicant submits that the variance can be granted under both NJSA 40:50D-70(c) 1 and 2 and request a submission waiver for wetlands certification and any other variances deemed necessary.

Chairman Gallagher entertained a motion to table this application to the May 16, 2022, moved by Totaro, seconded by Hatch. On a roll call vote, Ayes:, Cuttitta, Hatch, Lind, Totaro, Schroter. Nays: none. Motion Carried.

**ADJOURNMENT**

At 7:05p.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, MAY 16<sup>th</sup>, 2022 ~**

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

Respectfully Submitted,

*Joan Herve, Secretary*