

September 18th, 2017
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 Board of Education Meeting Room on the Second floor of the of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

Chair.....	Raymond Hallock
Vice Chair.....	John F. Gallagher
Board Member.....	Jack B. De Ritter
Board Member.....	David A. Schroter
Board Member.....	Kevin Duffy
Board Member.....	Scott Chamberlin
Board Member	AnnaMarie Sasso
Temporary Board Member.....	Walt Garner
Board Member (Alternate #1).....	Victor Cuttitta
Board Member (Alternate #2).....	Eleanor C. Wenzke
Zoning Board Attorney.....	James Delia. Esq.
Zoning Board Secretary.....	Joan Hervé
Board Planner – Burgis Associates....	Joe Burgis
Board Engineer.....	Mike Kelly

FLAG SALUTE

Chairman Hallock 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.

BILLS:

Chairman Hallock entertained a motion to approve the bill list and forward it to the Treasurer for payment, moved by Gallagher, seconded by a De Ritter. On roll call, all present voted yes. Motion carried.

Hawthorne Press for Legal Notices: \$42.12

APPROVAL OF MINUTES

Chairman Hallock entertained a motion to approve the minutes of the Regular Meeting of August 21st 2017, moved by De Ritter, seconded by Schroter. On roll call, all present voted yes. Motion carried.

MEMORIALIZED RESOLUTIONS

Luppino – 35 Cider Mill Rd. (Block 293.04, Lot 6)

Chairman Hallock entertained a motion to adopt Memorialized Resolution for applicant approved for the demolition of a detached 2 car garage and the construction a new detached 2 car garage. Moved by De Ritter, seconded by Sasso, on roll call vote all voted yes. Motion Carried.

Castillo, 163 Forest Avenue (Block 129 Lot 11)

Chairman Hallock entertained a motion to adopt Memorialized Resolution for applicant to expand existing one family dwelling in the R-2 residential zone, will include one car garage to two car garage. Providing for a 2nd floor add a level over new ground floor foot print with a partial 2nd floor cantilever over first floor on driveway side. Moved by De Ritter, seconded by Schroter, on roll call vote all voted yes. Motion Carried.

New Business

Abby & Wesley Dekkers, 128 Pasadena Place, (Block 270, lot 14)

After applicant & Architect Dan Russell were sworn in they gave a brief overview of the application. Variance seeks to remove existing garage and construct a new larger garage in its place. The existing garage is very narrow and has a low ceiling. The new garage will be sized to fit two cars. Variances are for relief from requirements for side yard and front yard setbacks. Other variances indicated on the drawing are for existing, non-conforming conditions. Photo was submitted into evidence as "A1". Attorney indicated it truly & accurately describes the front of the home. Existing width of garage is approximately 9 to 9 1/2 feet. The new garage will be 19 feet. Board had concerns with the patio on the top of the garage. Therefore, it was decided applicant would not use the top of the garage as a patio.

Chairman Hallock asked if anyone from the audience would like to be heard on this application.

Seeing none, Chairman Hallock entertained a motion to approve the above applicant with restriction that the top of the garage would not be used as a patio. Moved by Chamberlin, seconded by Gallagher, on a roll call vote all voted yes. Motion Carried.

Arthur Klawinowski, 81 Parmelee Avenue, (Block 140, Lot 3)

After attorney and applicant were sworn in, Mr. Teschon from Teschon, Riccobene & Siss gave an overview of the application. Applicant is requesting to install a modestly sized 10 foot by 14-foot deck on the rear of the existing structure; the deck will replace an existing ground level patio and be similarly sized. Variances being sought; Rear yard setback – 50 ft required, 40 feet requested for installation of deck. Stairway to deck is 35ft. from rear lot line. Side yard setback – 15ft. required, 11 ft. requested. Attorney explained the deck was already built, however the applicant did get the necessary permits. Applicant is seeking permission to have the deck remain.

Chairman Hallock asked if anyone from the audience would like to be heard on this application.

Seeing none, Chairman Hallock entertained a motion to approve the above applicant. Moved by De Ritter, seconded by Chamberlin, on a roll call vote all voted yes. Motion Carried.

Chairman Hallock explained for the next applicant Royal Avenue a few board members need to recuse themselves from hearing the application. Board Member Sasso who has business dealings with the applicant and Board Members Hallock & Gallagher who are both involved in a civic organization with the applicant.

Meeting was turned over to Acting Chairman Mr. Schroter.

Old Business

Royal Avenue LLC, (Block 29 lots 4, 5, 6 &7)

Attorney Vogel representative for the Royal Avenue explained the applicant is Proposing Development Use of a 32 Unit multifamily residential. This is an application for (4) lots on Royal Avenue. Currently occupied by single family homes, in the R3 medium density zone, altogether the 4 lots aggregate 1.33 acres. This application is for 32 units– (3) story medium density structure which is sanctioned by the ordinance. The building height is 47 ft. 10 inches which exceed the height limitations in the ordinance of 35 feet, therefore we are seeking the use variance. Application was previously before the planning board and it was decided applicant needed to come before this board. There are 28, two-bedroom units and (4) one-bedroom units. The ordinance provides for 10% of the units to be two bedrooms, therefore there is a bulk variance with respect to that. There was some question whether or not that was a use variance or a bulk variance. It is his position that it is simply a bulk variance. Since we are before this board with respect to the height of the structure, the board can decide whether that variance is at all necessary either as a “C” or “D” variance.

Mr. Vogel introduced his first witness Mr. Joseph Dello Buono, the principal in Royal Avenue LLC who introduced the nature of the application. He explained he required the property because he was approached by two of the property owners of 15 & 17 Royal Avenue asking him if he was interested in purchasing the property for a multi-dwelling use. As he was preparing the application the other two locations 21 & 27 asked him as well to purchase their home. Mr. Dello Buono stated the reason why he is asking for 28 two-bedroom units, which exceed 10% as allowed in the borough ordinance, is it’s a “matter of demand”. He has a waiting list of people - seniors, couples who want larger units. This design is based on what people are requesting. The parking provided it’s on ground level underneath the building, there are two-stories, 16 per floor, 64 spaces which is required in the ordinance. All parking is covered and is the reason for the extra 12 feet in height. Board Member De Ritter asked how many units are you dedicating to COAH. Mr. Dello Buono responded in speaking with Board Planner, Mr. Burgis office 5 units is their obligation, which include (1) one-bedroom unit, (1) three-bedroom unit and (3) two-bedroom units. Some of the affordable housing would be off-site as this application does not have any three-bedroom units. The applicant company has a two-family residence that has 3 bedrooms that would qualify.

Susan Rubright, the attorney representing the “Concerns Citizens of Hawthorne” stated the neighbors are not averse to an apartment building. It’s just the intensity of the project. She questioned whether Dello Buono would consider age-restricting the units. “I’d rather not,” answered Dello Buono. You could also sell any of the other projects that you own and would not control the type of tenants. “Anything is possible,” answered the applicant. Ms. Rubright calculated the number of bedrooms allowed; Mr. Dello Buono could build a complex of 18 two-bedroom units and not require a density variance. Mr. Dello Buono replied, it’s not a question of units, if I take out the two bedrooms, I could call it a bedroom and a den. It (the second room) could be a huge closet. It’s not necessarily for a bedroom, again this is what the people want, more room.

Acting Chairman Schroter asked the public has any question regarding Mr. Dello Buono testimony.

Dean Hart, 33 Forest Avenue Apt. 2E

Resident stated he lives at his current address for 8 years and at 66 years old is the 3rd youngest person living there. The building owned by the applicant is very well maintained and is in favor of the two-bed units the applicant is proposing.

Scott Hassa, 45 Royal Avenue, #21

Resident complained that the new structures will be as long as a football field and only 10 feet off the property line. He thinks the project will be good for the community but it's too close to Diamond Brook Hollow. Problems arise when there's too much density. Resident asked the applicant to reduce the number of units. The Board's engineer, Mike Kelly asked Mr. Hassa how many stories Diamond Brook Hollow have. Resident stated, he thinks two. Mr. Kelly stated the proposed building is 190 feet in length and Diamond Brook Hollow extends over 300 feet in length.

Mr. Vogel called his next witness:

Mr. Thomas Stearns III – Civil Engineer & Land Surveyor who was sworn in by Board Attorney gave his educational & professional background. After Mr. Stearns described the site plan to the board originally dated 11/16/ 2015 was revised 07/17/17, he & Mr. Vogel went through Mike Kelly, Boswell Engineers report, (which was marked as ZBA1) dated September 8th, 2017. Page (1) was the description of what Mr. Kelly received and the subject of the application, page (2) makes general observation with respect to the project and the ordinance. Page (3) talk about variances & Waivers, number of stories was already addressed and will have testimony by the architect & planner. Mr. Kelly asked for clarification on the building height, you stated it would be 47.17 feet, on the plans stated on the front states 47.86 feet. The calculation on page (2) is 34.08 feet and based on the definition for building height in the borough code and based on the architectural plans, he comes up with height of 46.5 feet. That needs to be clarified before the board could grant a variance. Mr. Vogel explained when the planner and architect testify he will have them clarify. Mr. Vogel continued, Maximum Percentage of the Two (2) bedroom units & Maximum numbers of dwelling units have already addressed, further testimony will be addressed by the architect and planner. Board Member questioned whether the applicant got in touch with Fire Department /EMS if the 24 feet of the Minimum Access Drive Width would be adequate for them. Not as of yet, however a set of plans have been submitted and distributed, so I am assuming they will have a report. The screening and buffer – we have fence on the one side and the existing fence on the other side. Bulk Storage Area – we have 500 cubic feet. No variance required. Steep Slope Analysis they are over the maximum permitted disturbance, which is why they are asking for relief. Applicant is requesting a waiver on the Topographic Information within 200 feet, Mr. Stearns explain the reason for this waiver is this site mostly pitches from front to back, the Location of existing structures with 200 feet waiver is no longer requested as they show them on their area location map. The Water & Sanitary Sewer Utilities will be provided & would have to comply with the fire department fire flow calculations. Drainage will be provided on on-site. Board Member Chamberlin asked if all the runoff is going into the system in the back or is some going to go into the brook. Mr. Stearns responded nothing from the proposed drainage system will be going into that brook, however in the case of a major storm event you would have an overflow to the brook. Board Member Schroter asked to Mr. Kelly to look into this further because we have issues at the end of Royal and Washington Avenue. Mr. Kelly responded we have provided the applicant with their comments. Mr. Vogel continued stated we will attend to all variance and waivers required. Certification of taxes had been issued by the tax collector and is up to date. The Waivers from the Site Plan Application has been noted. The Application complies with the RSIS (Residential Site Improvement Standards). Attorney

Delia asked for testimony. Mr. Stearns explained as far as parking, storm water runoff and driveway width RSIS requires 24 feet and he stated they have not overlook anything in his opinion. Off-site parking complies with the 64 spaces. Barrier Free Spaces - applicant provides (3) handicapped spaces which is the required. Regarding the adequate pedestrian circulation and safety from parking spaces to the dwelling units, Mr. Stearns explained the assess to the elevators and the central area are at the front, you have the ADA space on the left as well as the other side, a 25-foot aisle where people will walk and there are two stairways in each leg of the building.

After coming back from a break, it was decided that Mr. Kelly would go through his report and ask questions instead of going through the whole report which might not require answers. At that point Attorney Delia sworn in ZBA Engineer and planner.

Mr. Kelly asked how the garbage is going to be pick-up. Mr. Stearns responded in the front of the building we have a room dedicated to refuse, a garbage contractor will be able to pull up in front of the building and wheel out the garbage and recyclables. A detail of the Turf Paver will be provided. Mr. Kelly asked - Lot consolidation; will applicant be submitting a sub-division application. Mr. Vogel responded - "Yes". Water and sanitary Sewer Utilities - Mr. Kelly stated he will review the water supply report and fire flow calculations once those are submitted. The sanitary sewer flow is directed to a system that flows downstream of Lincoln Street and Wagaraw Road, if this application is approved he asked the applicant if they would accept to clean and televise to ensure no issues exists. Applicant - "yes". Applicant will address Stormwater Management and provide addition lighting information. Applicant will comply if the Borough should request the right to require modifications and changes in the lighting for a period of up to (6) month after installation. Retaining wall will not affect the adjacent property. Mr. Kelly stated if there are any wetland buffers along the brook the applicant is required to obtain all necessary DEP approvals and provided retaining wall calculations. Mr. Kelly asked the applicant if the prepared any soil movement quantities for this site. Applicant responded; no, however they will subject to approval. Mr. Kelly continued stating he would like to have idea at upcoming meeting rough volumes. Applicant agreed. Regarding the Slope Analysis Mr. Kelly asked if they applicant can update that plan to show all trees 8 inches or greater. Applicant agreed. Mr. Kelly finished his comments. Board Member De Ritter stated the applicant will also need a variance for the size of the parking spaces. Applicant stated he filed for it and is in the application & thee notice. Mr. Kelly stated the applicant does not need the variance as it is govern by RSIS.

Acting Chairman Schroter asked the public has any question regarding Mr. Stearns testimony. Seeing none Mr. Burgis went through his report (which was marked as ZBA2) dated August 16th, 2017. The first two pages are just an introduction, the following (4) pages are reserved for the planner. An item on page (6) pertains to Mr. Stearns; Mr. Burgis asked Mr. Stearns to explain, when you talk about the slope disturbance the percentages sound starling, however when you are dealing with very small areas that might influence the Board and the public opinion about the level of disturbance. Mr. Stearns replied that is a good point because it really is only 10% of the lot. If whole site was under 15% slope, it would be a non-issue; this site has more slope areas. Basically 9000 square feet is basically a steeper slop area and there is no standard under 15%. We are talking 49,000 square feet over 58,000 square feet. Mr. Burgis continued on page (8) is there going to be any signage. Applicant stated he will have testimony later on as this witness is within his discipline. Mr. Burgis asked regarding the landscape; is the applicant in agreement to amend the landscape plan addressed in his comments and improve the

landscape amenities on-site. Applicant will comply. There is a transformer right in the front yard of the property, Mr. Burgis asked if there was a way to re-locate that to the rear. Mr. Stearns stated that is dedicated by PSE&G; however, we can have that conversation with them. If they don't agree we can screen it in. Mr. Burgis recommends bike storage in the garages. Applicant architect will make note of Mr. Burgis recommendation. Mr. Burgis stated details should be provided regarding the retaining wall whether it is a functional retaining wall or just for decorative purposes. Mr. Burgis had not further questions for this witness.

Acting Chairman Schroter entertained a motion to carry the above applicant to the October 16th meeting. Moved by De Ritter, seconded by Chamberlin, on a roll call vote all voted yes. Motion Carried.

ADJOURNMENT

At 10:00p.m. Acting Chairman Schroter entertained a motion to adjourn the regular meeting, moved by De Ritter, seconded by Chamberlin. All in favor, "Aye".

**THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT
WILL BE ON
~MONDAY, OCTOBER 16TH, 2017 ~
THE WORK SESSION WILL BEGIN AT 6:45P.M. WITH THE REGULAR
MEETING IMMEDIATELY FOLLOWING**

Respectfully Submitted,
Joan Herve, Secretary