

**BOROUGH OF HAWTHORNE
PLANNING BOARD**

**RESOLUTION GRANTING MINOR SUBDIVISION APPROVAL FOR PREMISES
KNOWN AS BLOCK 283, LOTS 2, 3 &4,
KNOWN AS 7-9 GARDEN AVENUE, BOROUGH OF HAWTHORNE
COUNTY OF PASSAIC, STATE OF NEW JERSEY**

WHEREAS, an application has been submitted to the Borough of Hawthorne Planning Board by 7 Garden Ave., LLC for minor subdivision approval for premises known as Block 283, Lots 2, 3 &4 on the current tax assessment map of the Borough of Hawthorne; and

WHEREAS, a public hearing of the Planning Board was held on Tuesday, April 2, 2024 (in which due notice was given) and during which the Planning Board heard testimony by the applicant and its consultants, representatives, and experts, and the Planning Board reviewed and considered all correspondence, maps, plats, reports and public input, if any, on the application, as well as a presentation by the applicant's attorney, Robert Del Vecchio, Esq., together with all exhibits submitted as evidence; and

WHEREAS, along with the application, the applicant submitted the following:

1. Plan prepared by Development Engineering, LLC dated May 10, 2023 identified as SP-3.
2. Plans prepared by CREARC, LLC dated February 22, 2023 consisting of 2 pages identified as A-1 and A-2.
3. Plan prepared by Darmstatter, Inc. dated March 1, 2023 with a revision date of September 5, 2023 entitled "Minor Subdivision Plan For 7 Garden Avenue LLC".
4. Plans prepared by Development Engineering, LLC dated September 15, 2023 consisting of two sheets identified as SE-1 and SE-2; and

WHEREAS, during the public hearing the following was introduced by the applicant as exhibits:

A-1 Plan prepared by Development Engineering, LLC dated September 15, 2023 with a revision date of March 22, 2024 entitled "Grading, Drainage & Soil Erosion Plan"; and

WHEREAS, the submissions by Applicant have been reviewed by the Planning Board engineers, Boswell Engineering, and their comments and recommendations are set forth in their letter to the Planning Board dated February 14, 2024; and

WHEREAS, The Planning Board heard testimony from the applicant's representatives as follows:

Robert Del Vecchio, Esq. appeared as legal counsel for the applicant and advised the Board that the variances for maximum lot coverage that was proposed for the two lots have been eliminated.

Sinan Alimi testified that he a member of 7 Garden Ave., LLC, the owner of the property. He proposes to construct two single-family homes on the property which will be sold.

Bahman Izadmehr was accepted by the Board as an expert in the field of engineering. He testified that he had prepared the plans that were submitted as part of the application. There are currently three lots which are unimproved. One lot line will be eliminated to create two lots which will be 50 feet by 100 feet each and will conform to all of the bulk requirements of the zoning ordinance. The proposed homes will be approximately 1,750 square feet as shown on the architectural plans. Based on the topography of the lots, the first floor will be ground level at the rear of the structure, and the garage and basement will be ground level at the front of the structure. The drainage plans that have been submitted show a swale on each lot and drainage grates and seepage pits. He introduced Exhibit A-1. It was noted that the latest revision of this plan had not been submitted to and reviewed by the Board engineer. He described the drainage on the site and advised that the seepage pits will be installed in the driveway, and all roof drains will drain into the seepage pits. There will be two parking spaces located in the garage and room for two vehicles in each driveway. In response to comments from Board members, the applicant agreed that any air conditioning units or generators, which are not shown on the plans, will be installed in the rear of the property and not in the side yards. He confirmed that all comments made in the Board engineer's report can and will be addressed.

WHEREAS, the matter was open to the public for questions of the witness and comments to the application. No one from the public appeared.

Findings of Fact and Conclusions of Law

WHEREAS, the Planning Board makes the following findings of fact/conclusions of law:

1. The property is located in the R-2 residential zone. The property consists of three separate lots, two of which are 25 feet wide by 100 feet deep and the third is 50 feet wide and 100 feet deep. The property is currently vacant. The applicant proposes to eliminate the common property line between the two 25 foot wide lots creating a lot that is 50 feet wide and 100 feet deep. The result of the subdivision is two 50 feet wide by 100 feet deep lots.

2. The two 25 foot wide lots are undersize and do not meet the requirement of the zoning ordinance. Combining these two lots into one lot brings the lot into conformance and represents good planning. Both of the proposed lots will meet all of the area, depth and width requirements of the zoning ordinance. The applicant has demonstrated that single-family homes can be constructed on the lots that will meet all of the bulk requirements of the ordinance.

3. No waivers or variances are required for the approval of this application.

4. The plans presented at the hearing marked as Exhibit A-1 were not submitted prior to the hearing and have not been reviewed by the Board engineer. Therefore, any approval granted cannot and does not constitute approval of any of the improvements shown on such plans. However, the Board acknowledges the expert testimony of the applicant's witness that there will be no water runoff off of the properties and all surface water will be directed to the seepage pits.

5. The Board finds that the application can be granted without significant impact upon public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board that based upon the above findings of fact and conclusions of law that the application of 7 Garden Ave., LLC for minor subdivision approval is hereby granted; and

BE IT FURTHER RESOLVED that the approvals set forth above are subject to the following conditions:

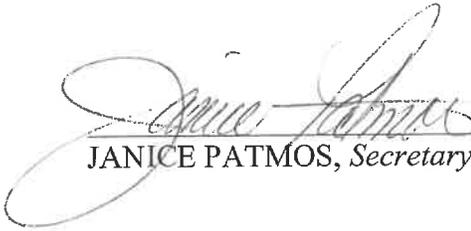
1. The applicant shall obtain and comply with any federal, state, county, and borough government rules, ordinances, or regulations with regard to the granting of the applications hereto.
2. Any and all outstanding escrow fees shall be paid in full and the escrow account shall be replenished to the level required by ordinance within 30 days of the adoption of a resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan and/or subdivision plat, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion or compliance as applicable;
3. Any conditions of approval stipulated to by the applicant during the hearing are incorporated herein, even if not specifically stated;
4. The applicant shall be bound by all plans submitted and exhibits introduced, all representations made and all testimony given before the board at the hearing held on this application.
5. Compliance with all recommendations of the report of the Board engineer dated February 14, 2024.
6. This approval specifically does not constitute approval of any improvements to be constructed on the lots and such construction is subject to all applicable codes and ordinances of the Borough of Hawthorne and to the review and approval by any municipal construction codes and the review by the borough engineer.

6. Submission of subdivision deeds to be reviewed by the board attorney and board engineer prior to recording to perfect the subdivision.
7. Any air conditioning units and generators shall be located in the rear yard and not in the side yards.

BE IT FURTHER RESOLVED that the Chairman and the Secretary of the Board are hereby authorized to affix their signatures to this resolution granting approval for minor subdivision. The Secretary of the Board is hereby authorized to advertise the action taken by way of this resolution in the local newspaper and furthermore send certified copies of this resolution to the Borough tax assessor, construction code enforcement official, building sub-code official, zoning official, the borough attorney, and the applicant's attorney.

Approved:

Planning Board of the Borough of Hawthorne



JANICE PATMOS, *Secretary*

By: 

ROBERT LUCIBELLO, *Chairman*