

RESOLUTION

**BOARD OF ADJUSTMENT
BOROUGH OF HAWTHORNE
COUNTY OF PASSAIC, STATE OF NEW JERSEY**

KAROL PELC

**Variances for Front Yard Setback, Right Side Yard Setback,
and Combined Side Yard Setback**

WHEREAS, KAROL PELC ("Applicant"), having an address of 47 Coolidge Place, Hawthorne, New Jersey 07506, made application to the Board of Adjustment of the Borough of Hawthorne ("Board") seeking variance relief, hereinafter more fully described, from provisions of the Hawthorne Borough Ordinances, for property located at 47 Coolidge Place, Hawthorne, New Jersey 07506 ("Property"), also known as Block 35, Lot 127.01 on the Tax Assessment Map of the Borough of Hawthorne; and

WHEREAS, public hearing(s) were held upon the application on July 21, 2025, and the Applicant having shown, to the satisfaction of this Board, that proper notice was served upon all interested parties as required by Statute; and

WHEREAS, the Board having considered its own local knowledge and having inspected the property and the surrounding neighborhood, and having had opportunity to receive testimony from and question the Applicant, and opportunity was provided for any interested parties and the general public to be heard, and having carefully considered the application together with all testimony and evidence presented, and any reports, comments and recommendations provided by any applicable Borough and County departments and/or other agencies, hereby makes the following findings of fact and conclusions of law:

I. PRELIMINARY INFORMATION

1. The Applicant was represented in this matter by Zare Khorozyan, Esq. The At hearing, the Applicant also presented the testimony of:
 - a. Kevin Aslanian, AIA, licensed architect.
2. The subject Property is located in the R-2 Residential Zone of the Borough of Hawthorne and is developed with a 2-1/2-story, single-family dwelling, a one-bay attached garage, and associated improvements. The Property has a lot area of 6,650 square feet, with dimensions of approximately 64 feet by 104 feet. The use is conforming in the R-2 Zone, which permits single-family and two-family residential dwellings.

3. The Applicant proposes to construct a one-story addition to the existing garage within the rear and left side yards of the lot. The Applicant also proposes to relocate a paver sidewalk path such that it will be located against the right (eastern) property line.
4. In support of the application, the Applicant has submitted the following items, each of which is expressly made a part of the application and is the basis of any Board decision unless otherwise specifically excepted herein:
 - a. Borough of Hawthorne, Zoning Board of Adjustment, Application for Variance, dated June 10, 2025.
 - b. Architectural and Site Plans titled "Pelc Residence, 47 Coolidge Place, Hawthorne, NJ," consisting of three (3) sheets prepared by V.K. Aslanian, AIA, dated April 20, 2025.

II. VARIANCE(S)/RELIEF SOUGHT

5. The Applicant's proposal requires, and the Applicant is requesting, relief from the Borough of Hawthorne Zoning Code by way of the following variances:
 - a. Chapter 540, Attachment 1: Front Yard Setback: Minimum Required: 20 ft; Existing/Proposed: 10.3 ft.
 - b. Chapter 540, Attachment 1: Right Side Yard Setback: Minimum Required: 10 ft; Proposed: 4 ft.
 - c. Chapter 540, Attachment 1: Combined Side Yard Setback: Minimum Required: 20 ft; Proposed: 19.8 ft.

III. FINDINGS OF FACT

6. Karol Pelc, the property owner and Applicant appeared, and also offered the testimony of Kevin Aslanian, AIA, licensed architect; summarized as follows:
 - a. The dwelling on the subject lot was previously expanded, but the original, attached one-bay garage was retained. Due to ongoing parking constraints, the Applicant now seeks to enlarge the garage to accommodate two vehicles and provide storage space.
 - b. The expansion will require modifications to the existing driveway but there will not be an increase in building height or number of stories.
 - c. The garage expansion will retain the existing architectural style and massing. The proposed garage addition extends the existing garage by 7 additional feet to the right (east) and 12' x 19' at the rear. The proposed structure's right side setback will be 4 ft at its closest point, requiring variance relief.
 - d. The garage addition will result in a total lot coverage of approximately 33%, below the 35% maximum permitted in the R-2 Zone. No height variance or building coverage variance is required.

- e. The existing curb cut will remain unchanged. The driveway will be widened, and additional pavers will extend to the property line on the right side to allow access to the side garage door and backyard.
- f. Gutters will discharge stormwater and runoff into an underground tank as part of a drainage mitigation system. A drainage plan will be submitted to the Board Engineer for review and approval.
- g. Lighting on the side of the structure (on the right side) will be positioned below the top of the existing 6-foot vinyl fence to prevent any impact on adjacent properties.
- h. The existing rear yard shed will be removed as a condition of approval.

7. At the conclusion of the hearing, the Board voted to approve the application.

IV. LEGAL DISCUSSION, CONCLUSIONS OF LAW

8. The Board has considered the application with reference to the objectives set forth in the applicable Zoning Ordinances and New Jersey State Statutes. Specifically, N.J.S.A. 40:55D-70(c), under which the Applicant has applied, states that the Board shall have the power to:

(1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of Property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of Property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of Property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act [40:55D-62 et seq.] would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such Property, grant, upon an application or an appeal relating to such Property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; (2) where in an application or appeal relating to a specific piece of Property the purposes of this act... would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act [40:55D-62 et seq.].]

9. In addition to the statutory requirements above, which are also known as the "positive criteria," the Applicant must also satisfy the "negative criteria" to warrant a grant of the variance. Namely, the Applicant must show that the variance "can be granted without substantial detriment to the public good" and that it "will not

substantially impair the intent and purpose of the zone plan and zoning ordinance.” (N.J.S.A. 40:55D-70).

10. The Board has considered the application and testimony and all related evidence presented, and after deliberation has found and determined that the Applicant has demonstrated and satisfied the positive and negative criteria required under statute; the Board has determined that the Applicant has presented adequate testimony and evidence to satisfy the statutory criteria for the grant of the variances requested.
11. The Board finds that the Applicant has demonstrated sufficient grounds to support the requested bulk variances. The existing front yard setback is a longstanding nonconformity and is not being exacerbated. The modest side yard variance of 4 ft and 0.2 ft deficiency in the combined side yard setback are minimal and do not materially affect the intent of the zone plan.
12. The Board further finds that the proposed garage addition is compatible with other homes in the neighborhood. The improvements are proportionate, maintain the character of the area, and improve the function of the residence.
13. The Board concludes that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Borough's zoning ordinance or master plan. Drainage impacts will be mitigated, and visual impacts will be negligible. The Board further finds that the proposed lighting and existing fencing address any potential concerns to adjacent properties.
14. The Board finds and determines that the proposed deviation is modest and well-justified by the site conditions and proposed improvements. The improvements will enhance the appearance and functionality of the Property without substantial impact on adjacent properties or the surrounding neighborhood.
15. The Board finds that the Applicant's proposal does not otherwise affect, encumber, or violate any other bulk requirement under the zoning ordinance. The Board finds that there is no detriment to any neighboring properties and/or the public good, and finds that all other bulk aspects of the Property and lot, among other facts noted, to also be compelling in reaching this conclusion.
16. The Board finds and concludes that the Applicant's proposal is not ambitious and/or out-of-character with the neighborhood and will not over-stress the Property and that the result will be in conformity with current community standards.
17. The Board further finds that the purposes of the Municipal Land Use Law would be advanced by a deviation from the ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

WHEREAS, the Board of Adjustment of the Borough of Hawthorne has considered the application and plans submitted with reference to the objectives, requirements and restrictions set forth in the Zoning Ordinance of the Borough of Hawthorne and Land Use Statutes of the State of New Jersey.

NOW THEREFORE, BE IT RESOLVED that the Board of Adjustment of the Borough of Hawthorne, for good cause shown and by reason of the findings and conclusions as set forth herein and/or otherwise on the record at aforementioned public hearing(s), hereby **grants and approves** the Applicant's request variance relief, as delineated above, specifically:

1. To allow a **front yard setback** of 10.3 ft, where 20 ft is the minimum required.
2. To allow a **right side yard setback** of 4 ft, where 10 ft is the minimum required.
3. To allow a **combined side yard setback** of 19.8 ft, where 20 ft is the minimum required.

Such relief is granted in accordance with the plans, exhibits, and reports submitted and above referenced, subject to the following **terms and conditions**:

- a. The existing rear yard shed shall be removed prior to construction.
- b. A drainage mitigation plan shall be submitted to the Board Engineer for review and approval.
- c. The Applicant shall comply with all aspects of the Board Engineer's review letter dated July 17, 2025.
- d. Any exterior lighting installed shall not shine or encroach beyond the Property lot lines, and shall be installed below the height of the 6-foot vinyl fence along the right side of the property.
- e. There shall be a strict prohibition on onsite construction unless and until all appropriate permits are obtained.
- f. There shall be no adverse drainage directed to any neighboring properties during construction or upon completion of construction.
- g. The Property shall be kept in a clean and tidy condition during construction.
- h. The Applicant shall comply with all self-imposed terms, conditions and limitations that are a part of the Applicant's application, including, but not limited to any modifications and/or supplements at public hearing.
- i. The Applicant shall comply with all applicable ordinances of the Borough of Hawthorne, and all applicable federal, state and county laws, rules, and requirements.
- j. This Resolution is specifically conditioned upon the Applicant paying all required application fees, escrow fees, Borough professional fees, and related fees required by this municipality and this Resolution of Approval.
- k. The Board and this Resolution incorporate by reference, as if recited verbatim, the content of the Board's transcript and minutes of the

Applicant's Board hearing(s). Omission herein of any condition and/or stipulation which was otherwise stated on the record of hearing(s), does not constitute waiver and shall be fully enforceable.

BE IT FURTHER RESOLVED that this approval shall not constitute a recommendation or approval of any application or variance not specifically delineated herein.

BE IT FURTHER RESOLVED that the Administrative Officer shall forward a copy of this Resolution to the Borough Engineer, Construction Official and the Applicant.

MOTION was made at hearing of **July 21, 2025** to request and authorize the Board's attorney, Sophy Sedarat, Esq., to draft an appropriate Resolution reflecting the Board's determination as aforesaid.

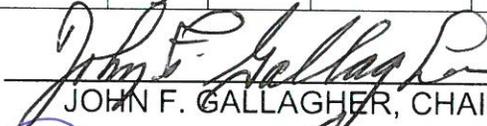
ROLL CALL VOTE UPON MOTION

Name	Motion	Second	Yes	No	Abstain	Absent
John F. Gallagher						X
David A. Schroter			X			
Victor Cuttitta, Jr.						X
Jodi DeMarco			X			
Lyle Hatch			X			
Marco A. Totaro	X		X			
Eleanor Conley Wenzke						X
ALTERNATES	----	----	----	----	----	----
Brian J. Lind			X			
Danilo Ramirez		X	X			
TOTAL	----	----	6		----	----

MOTION was made at the Board's public hearing on **August 18, 2025** to approve and adopt the foregoing Resolution as drafted by Sophy Sedarat, Esq.

ROLL CALL VOTE UPON FORM OF RESOLUTION

Name	Motion	Second	Yes	No	Abstain	Absent
John F. Gallagher					X	
David A. Schroter						X
Victor Cuttitta, Jr.					X	
Jodi DeMarco	X		X			
Lyle Hatch		X	X			
Marco A. Totaro			X			
Eleanor Conley Wenzke					X	
ALTERNATES	----	----	----	----	----	----
Brian J. Lind			X			
Danilo Ramirez			X			
TOTAL	----	----	5		----	----


 JOHN F. GALLAGHER, CHAIRMAN


 JOAN HERVE, BOARD SECRETARY