

MINUTES OF THE APRIL 21, 2015 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Lichtstein (late), Councilman F. Pizzella, M. Giancarlo, M. Kates
F. Franco, L. Calabria, Z. Horvath, J. Traudt, G. Biener

MEMBERS ABSENT: J. Miano, Mayor M. Arnowitz

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney
Christopher P. Statile, P.E., Board Engineer
Caitlin Chadwick, Deputy Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:35pm.

OPEN TO PUBLIC (for matters not on the Agenda):

As no one wished to speak, the meeting was closed to the public.

MINUTES:

The *April 9th, 2015* meeting minutes were approved by the Board.

BILLS:

Invoices from the Board Engineer were approved by the Board for payment.

DISCUSSION:

Sustainability Checklist/Guidelines

The sustainability guidelines were discussed by the Board. The Board agreed that this list will be used as design suggestions for a “green building” resource with applicants, but will not be a mandatory checklist under the State statutes. These guidelines along with several other land use recommendations, will be presented to the Mayor and Council for adoption.

PUBLIC HEARINGS:

PZ-02-15; John Escobar; Block 405, Lot 10; 55 Bedford Road

Continuation - Bulk and use (height) variance application to reconstruct dwelling

Mr. John Escobar of 55 Bedford Road, Hillsdale, was sworn in before the Board to testify. Mr. Statile gave an overview of the variances the applicant is seeking and spoke to the revised site plan the applicant submitted since he last appeared before the Board. Mr. Bruno, consulting architect, confirmed that site engineer Chris Lantelme, P.E. prepared the site plan and said that Mr. Escobar will only need to remove a portion of the exterior rear wall and all other exterior walls will remain intact.

Mr. Bruno also spoke to the revised site plan, outlining changes that were made. Mr. Bruno stated that higher roof pitches are appropriate for colonial style homes and Ms. Kates asked if the high pitch is his client’s preference or is it his professional recommendation. Mr. Bruno stated that the current height of the roof pitch is both his client’s preference and also aligns with his professional

opinion. Mr. Horvath stated concerns on the roof height variance request.

The Board then took a short recess. Upon return, Mr. Bruno stated that Mr. Escobar will withdraw his request for a height variance. Mr. Horvath made a motion to approve this application and Vice Chairwoman Calabria seconded the motion. The Board was polled and the motion passed to prepare a resolution to memorialize the vote.

At this time, Councilman Pizzella recused himself due to the use (d) variance nature of the upcoming applications.

PZ-07-14; William Doody; Block 1208, Lot 2; 74 Prospect Place
Continuation - Major site plan application with variances for change of use for subleasing & landscape vehicle parking

PZ-08-14; William Doody; Block 1208, Lot 3; 539 Piermont Ave.
Continuation - Major site plan application with variances for change of use for landscape material storage and vehicle parking

Counsel for the Applicant – Gregg Paster, Esq.

Mr. William Doody was sworn in before the Board to give testimony. Mr. Statile gave an overview of the application, saying that the applicant is seeking to ‘repurpose’ the use of the parking lots. Mr. Statile also spoke to the comments on the referral forms that were received back from various Hillsdale departments.

Photographs pertaining to Lot 3 were marked as follows:

Exhibit A-6: Eastern side off Piermont Ave. showing side of building

Exhibit A-7: Depicts Lot 3, street view, shows entrance and exit for trucks

Exhibit A-8: Shows 3,000 ft. of pavers that were put in across front of building on the Piermont side; will be entrance to new offices

Mr. Statile expressed concern about the concrete apron Mr. Doody installed in the right-of-way, and Mr. Doody stated that it was approved by the Borough Engineer’s office and that he obtained permits for same. Mr. Statile then spoke about Lot 2, stating that the property was previously approved Finn’s Auto Body and the applicant seeks to divide that space up in order to rent/lease to four separate tenants, which will require a use variance.

Mr. Statile was also concerned about the outdoor storage of road deicing salt and stated that it must be stored indoors. Mr. Paster stated that he spoke with the NJDEP and was told that if his client is not a ‘regulated’ entity, he is not subject to the covered storage requirements, and a tarp covering will suffice. Mr. Paster also stated that if there is salt on this property it will be properly encapsulated and that the tenants his client seeks to lease to will be using this property for office spaces and not industrial uses.

Mr. Doody stated that his intent is to utilize Lot 2 to store landscaping vehicles and to lease out the building to four separate tenants. He informed the Board that many potential tenants have

expressed interest in leasing. These tenants included a mechanic and another landscaper who would be interested in the north-end of Lot 2. The Board expressed concern about there being two landscaping companies occupying Lot 2 and Mr. Doody stated that he can contain his operation to Lot 3.

Mr. Hubschman spoke to the site plans for both lots which were originally dated 5/1/14 and revised to 1/30/15. He stated that although it isn't listed specifically in the ordinance, landscaping is a light industrial use and would typically be put in such a zone. Mr. Statile and Mr. Hubschman then discussed the drainage system for both lots.

The meeting was then opened to the Board for discussion and Vice Chairwoman Calabria questioned Mr. Doody about his previous statement of the ability to keep his business confined to Lot 3. Ms. Calabria also questioned Mr. Doody about his experience as a landlord and what type of oversight he will have on Lot 2. Mr. Doody stated that he will be at the property every morning Monday through Friday and CCTV cameras will be installed. Mr. Paster stated that the salt can be stored in a fabric-framed shed. Ms. Kates asked Mr. Doody if he would be installing a green roof and Mr. Doody declined, citing cost. Ms. Kates also suggested Mr. Doody plant shade trees, shrubs and flowers on site to provide visual buffering and mitigate flooding. Mr. Doody agreed to meet with Ms. Kates and Mr. Statile at a later date. Ms. Kates also asked Mr. Doody if he could put restrictions in his lease to future tenants as to what is a permissible use. Ms. Kates and Mr. Statile requested that Mr. Doody provide a landscaping plan. Tenants' use of the property was further discussed by Ms. Nabbie, Ms. Kates and Mr. Statile, since a use variance was being requested.

Mr. Statile said the proposed drainage system was acceptable and Mr. Paster confirmed that the applicant will provide a cross drainage easement. Mr. Hubschman confirmed the amount of parking spaces, stating that Lot 2 has ten spaces and Lot 3 has 17 spaces. Mr. Doody confirmed that Lot 3 will only be used for Trivali Landscaping and will not involve any tenants.

The meeting was opened to the public and closed as no one wished to speak. Lot 3 was then discussed and conditions of approval were listed. Any salt stored outdoors must be encapsulated in a fabric-frame shed and there will be no other outdoor storage of materials; the applicant will provide a cross-easement for the drainage Flo-Guard system; a list of items to be stored on site, as well as a landscaping plan, will be provided to the Board Attorney and Board Engineer in advance of memorialization of the resolution; and the applicant must comply with the recommendations in Mr. Statile's review letter and will be subject to approval from the Environmental Commission. Mr. Paster stated that he will do his best to submit all documents at one time.

Mr. Franco made a motion to approve this application for Lot 3 and Ms. Traudt seconded the motion. Dr. Lichtstein recused himself from the deliberation as he was not present for the entire hearing. The Board was polled and the motion passed to prepare a resolution to memorialize the vote.

For Lot 2, the applicant will return at a later date with a list of tenants. Ms. Nabbie stated that she has been in contact with Ms. Jeffery and asked if the applicant will address his parking violations with the Building Department. Mr. Doody stated that he was unaware of any parking violations and Mr. Paster stated that they will address it with the Building Department. Ms. Nabbie also stated that the Board intends on re-defining the Light Industrial Use Zone but it likely won't occur prior to

the applicant's return to the Board. It was confirmed that if the applicant is only proposing interior changes to Lot 2, then he does not need to provide a new site plan, but the Board needs to know the intended use of the interior spaces.

Ms. Nabbie stated that the applicant must provide a list of tenants that will be occupying the spaces so that Mr. Doody does not need to return before the Board every time he leases to a new tenant. Ms. Nabbie recommended that Mr. Paster contact her to discuss this together, prior to the next public hearing. Mr. Paster confirmed that the applicant waives and/or extends the statutory time frame for which the Board to act and Ms. Nabbie formally announced that the application of PZ-07-14 for William Doody, Block 1208, Lot 2 also known as 74 Prospect Place will be carried to May 26th and there will be no further notice.

***PZ-03-15; Charles Messina/John & Laura Hamilton; Block 1619, Lot 6; 117 Dwight Avenue
Bulk Variance for front yard setback to a recently reconstructed dwelling***

Counsel for the Applicant – Gary Zalarick, Esq.

Mr. Charles Messina of 98 Hudson Street, Garfield, was sworn in before the Board to testify. Mr. Zalarick stated that Mr. Messina purchased this home through his company and after obtaining permits through the Borough, constructed a “simple” two-story addition including two garages. Mr. John Hamilton, the current home owner, of 117 Dwight Avenue was also sworn in to testify. Mr. Messina testified that when measurements were being taken for the front yard setbacks, the mason measured from the outside of the curb instead of the inside. An As-Built survey was also identified, dated 11/25/2014. Mr. Thomas Stearns III, P.E. and licensed land surveyor of 144 Jewel Street, Garfield was sworn in before the Board to testify as well. Mr. Stearns stated that property corner marker caps were found when they did the original survey but didn't think it had anything to do with construction. Furthermore, they did not encroach any further than the existing building, just didn't meet the 30 ft. setback.

A drainage plan prepared by Mr. Stearns, originally dated 2/27/14 and revised to 3/20/14 was marked **Exhibit A-1**. The drainage plan and as-built survey were discussed. Mr. Messina stated that the setback issue was a mistake as the mason measured from the inside of the curb instead of the outside. Mr. Statile stated that this was a major reconstruction, not a simple addition. Mr. Statile also recommended the air conditioning unit be placed in the rear of the home.

Mr. Horvath made a motion to approve the application, which was seconded by Vice Chairwoman Calabria. The Board was polled and the motion passed to prepare a resolution.

The meeting was adjourned at 10:11pm.

Respectfully submitted,

Caitlin Chadwick, Deputy Secretary