

MINUTES OF THE JANUARY 8, 2014 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, M. Kates, Councilman Kelley, M. Giancarlo, E. Lichtstein,
F. Franco, L. Calabria, J. Miano, J. Traudt, Z. Horvarth

MEMBERS ABSENT: Mayor M. Arnowitz

EMPLOYEES PRESENT: Harold Ritvo, Esq., Board Attorney
Christopher Statile, P.E., Board Engineer
Christie Wyssenski, Deputy Secretary

Chairwoman Calabria called the meeting to order at approximately 7:45 pm with a reading of the Open Public Meetings Statement.

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

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

MINUTES:

The *December 17, 2013* minutes were approved by the Board.

The *January 6, 2014* minutes were approved by the Board.

PZ-08-12; Jeanne Marie Gardens; Block 1212, Lots 15 & 16; Esplanade & Patterson Street; Major Site Plan with Use Variance public hearing was carried to 3/25/2014.

The Deputy Board Secretary discussed the 2013 Year End Application Summary Report with the Board. The report will be forwarded to the Mayor and Council.

COMPLETENESS REVIEWS:

PZ-01-14; New Cingular Wireless; Block 1107, Lot 19; 371 Washington Ave; Preliminary and Final Major Site Plan with "d" height variance for new, permanent cell tower was deemed complete and a public hearing was scheduled for 3/12/2014.

Chairwoman Calabria asked that *PZ-12-12; 225 Washington Ave., MJL, LLC.; Block 1406, Lot 3; 150 Magnolia Avenue Use variance application* be carried to 2/12/14 so the new Board Planner, Paul Grygiel, may have an opportunity to review the history of the application by listening to recordings of past public hearings.

PUBLIC HEARINGS:

PZ-09-13; Laurjo Construction Co. & Joseph Gassib; Block 1109, Lots 2&3; 46 Beechwood Drive; Minor Subdivision with Variance

Counsel for the Applicant: Ray Jacobs, Esq. of Jacobs & Bell.

Councilman Kelley recused himself at 8:11pm due to conflict of interest and left the Chambers.

Mr. Jacobs stated that he had in his possession the affidavit of publication and service as well as certified mail slips, which he then gave to Mr. Ritvo. Mr. Jacobs explained to the Board his client's current application for subdivision. Mr. Gassib proposes to take 10 ft. from the existing 100 ft. lot (Lot 2) and add it to the 50 ft. lot (Lot 3) in order to bring Lot 3 into conformity with the existing zoning ordinance. Mr. Jacobs stated that Lot 3 would not conform completely, it would be 545 ft. deficient in area and 15 ft. deficient in width. After subdivision, Mr. Gassib said he would seek to acquire additional land from the Borough to bring Lot 3 into conformity. Mr. Jacobs previously spoke with the prior Board Attorney about acquiring Lot 4 (owned by the Borough). However before resolving it, a new Board Attorney was appointed and no further discussions on the matter occurred.

Mr. Jacobs stated that Mr. Gassib's goal is to bring Lot 3 into zoning conformity and if that is not possible, to then present the Board with a variance application at a future date. He elaborated that Mr. Gassib has someone living in the house on Lot 2 who would like to purchase the house and property, and that he would like to complete this transaction soon.

Mr. Ritvo asked Mr. Jacobs if the Board will lose jurisdiction once an application goes to trial. Mr. Jacobs responded that although this application had been brought to trial, the Court dismissed it under assumption that the Board will resolve the issues.

It was noted that the applicant did not submit a drainage report or a final site plan. In response, Mr. Jacobs explained that there is no current application to construct anything on vacant Lot 3 because he and his client don't know if at some point they will be able to acquire Lot 4 from the Borough and/or a portion of Lot 5. Mr. Jacobs said that all his client is seeking to do is enlarge an existing, under sized lot and to leave Lot 2 as a fully conforming lot. Mr. Ritvo advised Mr. Jacobs that he try to acquire Lot 4 first and then reappear before the Board with the required drainage and plot plan. Mr. Statile also raised concerns about wetlands on the property and requested that test pits be installed first, so that the Board can better decide if the lot can be deemed suitable for development.

Mr. Ritvo stated that he does not want the Board to grant subdivision approval without knowing whether or not the lot is suitable for development. Mr. Jacobs agreed to provide a drainage plan when his client is ready to develop the property. Mr. Ritvo once again recommended the applicant acquire Lot 4 before the Board considers subdivision approval.

Mr. Statile brought to the Board's attention an unsigned resolution dated January 2012, in which the Council agreed to divest Lot 4. All were unsure of whether or not the Resolution was ever approved, since it was not executed by the Mayor.

Mr. Jacobs stated his client would have liked to create two 75 ft. lots, but that it would have created an FAR violation with the existing house on Lot 2. Mr. Gassib was sworn in before the Board and stated that he hired an appraiser, as the Borough required him to do, for potential acquisition of Lot 4. The appraisal was submitted to the Borough, but the Tax Assessor took issue with it and the matter was never resolved.

Mr. Ritvo stated that he does not want a "piece meal" application and that he will speak to Borough Counsel to resolve the divesture matter, but needs the Board to authorize him to intervene. The Board concurred.

Mr. Statile confirmed that the January 2012 resolution had a first reading to divest Lot 4 at the Mayor and Council meeting of January 10, 2012. Mr. Ritvo said that the Council was in favor of the sale and is unsure as to why it never occurred. Mr. Alter asked Mr. Ritvo if the current subdivision application is Res Judicata. Mr. Ritvo responded no, that this application is different from previous applications submitted by Mr. Gassib.

The meeting was then opened to the public.

A resident from 37 Riverside Drive voiced his concerns about the property line and building height measurements. Mr. Statile confirmed that currently, Mr. Gassib is proposing a 40 ft. separation between buildings, per the subdivision plan. However, the Board needs to see a final site plan of the proposed dwelling. Another resident from 37 Riverside Drive informed the Board that she owns Lot 5 and has no plans to sell it. She further expressed concerns regarding flooding of the area. After Hurricane Floyd, she was informed that there would be no new development in the area except for people whose primary residence was in the area. Mr. Ritvo stated that the Board has no jurisdiction over NJDEP permitting, as they are a state agency.

Mr. Ritvo assured the resident that the Board Engineer will review any proposed structures on the property before they are built. Mr. Alter said that he takes her comments seriously and that all of these issues will certainly be considered when voting on the application.

Roberto and Gloria Petingi of 41 Beechwood Drive raised concerns about flooding and safety. Mr. Ritvo stated that the Board will not be considering this application until construction and drainage plans are deemed satisfactory by the Board and suggested the residents return for the next public hearing. He advised that questions pertaining to the Borough's sale of land be re-directed to the Mayor and Council.

Ms. Petingi informed the Board that she never received any notice of Mr. Gassib's application. It was determined that the letter was mailed to her old address in Ridgefield Park and marked returned as forwarding expired. She further informed the Board that she has attempted several times since she moved here in 2005 to have the Borough update her address, yet they have yet not done so.

The meeting was closed to the public.

Mr. Ritvo stated that the applicant is not required to provide any further notice to the public and the meeting was carried to the March 25th Public Hearing without future notice.

The meeting was adjourned at 8:54pm.

Respectfully submitted from audiotape,

Caitlin Chadwick
Acting Deputy Secretary