

MINUTES OF THE JANUARY 8, 2015 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: G. Biener, E. Lichtstein, M. Kates, M. Giancarlo, L. Calabria,
F. Franco, J. Miano, Z. Horvath, Councilman F. Pizzella
Mayor M. Arnowitz

MEMBERS ABSENT: J. Traudt

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney
Christopher P. Statile, P.E., Board Engineer
Paul Grygiel, P.P., A.I.C.P., Board Planner
Caitlin Chadwick, Deputy Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:40pm.

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

Mr. Kevin O'Brien of 61 Park View Drive, Hillsdale came forward to express gratitude to the Board for their time and effort on the 150 Magnolia Avenue application. Mr. O'Brien also voiced several concerns he had regarding borough ordinances for signage. The Board explained to him that the issues were enforcement issues, not planning issues therefore the Board's role in terms of taking action is limited.

Mr. O'Brien also spoke about the replanting of trees at the Pascack Valley Tennis Courts. Mr. Statile then informed the Board that he recently met with the Board of Ed and members of Sapienza Gardens to discuss their pending application for an Open Space grant that will in part fund some trees on site. The high school already proposed to install roughly \$18,000 worth of trees around the tennis courts and may be able to provide additional trees depending on their budget for 2015. Mr. Statile explained that the County wanted to make sure Sapienza Gardens met with the Board of Ed to ensure there would be money to back up the grant application request, and the purpose of the meeting was to have the Board of Ed buy into the application with Sapienza. If Sapienza Gardens is successful in the grant application, the monies cannot be used until next year.

MINUTES:

The *December 16, 2014* meeting minutes were approved by the Board.

BILLS:

Invoices from the Board Engineer's office were approved by the Board for payment.

COMPLETENESS REVIEW:

PZ-12-14; Zarsion Jinhui; Block 102, Lot 1; 90 Wierimus Road Major Subdivision Application with Variances was deemed complete and scheduled for a public hearing date of March 12, 2015.

PZ-14-14; Mike & Diane DePiero; Block 1907, Lot 5; 90 Hillsdale Ave. Variance Application was deemed complete and scheduled for a public hearing date of March 24, 2015.

PZ-15-14; Ruth & Dean Fiorino; Block 1406, Lot 45; 119 Large Avenue Variance Application was deemed complete and scheduled for a public hearing date of January 28, 2015.

PZ-01-15; Charles Messina; Block 2201, Lot 38; 60 Ruckman Ave. Minor Subdivision Application was deemed incomplete.

PZ-02-15; John Escobar; Block 405, Lot 10; 55 Bedford Road Variance Application was deemed complete and scheduled for a public hearing date of March 24, 2015.

PUBLIC HEARINGS (SCHEDULING):

Board Attorney Ms. Nabbie announced that applications PZ-07-18 and PZ-08-14, both William Doody applications at 74 Prospect Place and 539 Piermont Ave, respectively, will be carried to the February 12, 2015 meeting.

The public hearing schedule for all other applications was then decided upon as follows:

<u>January 28, 2015:</u>	PZ-15-14, Fiorino, 119 Large Avenue PZ-13-14, Sirkin, 82 Crosley Terrace PZ-03-14, Saddlewood Properties
<u>February 12, 2015:</u>	PZ-15-14, Tedesco, 23 Oakland Street PZ-07-14, Doody, 74 Prospect Street PZ-08-14, Doody, 539 Piermont Avenue
<u>February 24, 2015:</u>	PZ-07-13, Caliber Builders
<u>March 12, 2015:</u>	PZ-12-14, Jinhui, 90 Wierimus Road PZ-08-12, Jeanne Marie Gardens (Walsky)
<u>March 24, 2015:</u>	PZ-14-14, DePiero, 90 Hillsdale Ave PZ-02-15, Escobar, 55 Bedford Road

BOARD BUSINESS:

PZ-12-14; K & M Hillsdale, LLC; Block 1910, Lot 14; 68 East Liberty Ave.; Approval of Minor Two-Lot Conforming Subdivision Board Attorney Ms. Nabbie confirmed that the applicant will provide a revised landscaping plan showing the 8 trees to be removed as well as the hemlocks on the property, which the Deputy Secretary will circulate to Board members. The Resolution will be ready for the Board to vote on at the January 28th meeting.

By-Laws

Chairman Giancarlo stated that at one point, the Board discussed amending its by-laws to include all four professionals regarding publishing an RFQ. Ms. Nabbie stated that she looked at the by-laws for modification and realized that there is a provision in municipal land use law that provides the Board with the ability and the authority to hire their own planner and engineer. Before continuing the modification process, Ms. Nabbie stated she will look over the MLUL to be sure she is correct. In the event that she is incorrect, she will revise the by-laws and circulate to the Board for review in advance of the next meeting date.

At this time, Vice Chairwoman Calabria suggested the Board revisit the topics that were discussed on December 16th and reach some conclusions so that Board Attorney Nabbie may include them in a resolution to the governing body, along with the 2014 annual report. Hillsdale's definition of a

“family unit” was then discussed and Board Planner Grygiel provided the Board with examples of how other municipalities have defined it. Mr. Grygiel suggested to the Board that a lengthier definition may make the meaning clearer, and agreed to provide a definition in writing at the next meeting. The definition and regulations of a “sober house” were also discussed and Mr. Grygiel stated that it might be in the Borough’s best interest to not define “sober house,” as some issues are easier to deal with on a case-by-case basis. Whether or not the Borough/Board can legally require a sober house to be a certain distance away from a school was also discussed at length. Suggestions were made that perhaps the State will soon be defining what a “sober house” is and the parameters of it, and perhaps Hillsdale should not concern itself with defining anything at this time, as state law would supercede municipal law. Mr. Grygiel stated that another suggestion for the meantime would be a policy statement from the Board about this and any other issue of importance through a reexamination of the Master Plan. Mr. Grygiel further stated that the Master Plan is a good place to start, as it can always be pointed to when someone is looking for relief.

Chairman Giancarlo then reminded the Board of the other issues that needed to be discussed: Patterson Street zoning, and use for Waste Management site. Mayor Arnowitz stated that these two issues are going to be discussed at the Council level with the economic development committee that was created, and the new CFO is also an economic advisor who is going to be looking into these two issues as well. Mayor Arnowitz also explained that the problem with the Waste Management site is that Waste Management is not willing to sell the property, and other ways to acquire the property are being looked into by the town, but if the Board wants to look into these issues as well they are welcome to. Development in the town was also discussed, as were re-zoning issues.

Hillsdale’s “building height” definition was also discussed. Board Engineer Statile explained to the Board that Hillsdale currently controls building height by measuring the existing ground around an existing house and using that as the base elevation, taking the average around the house. Mr. Statile further expressed that building height hasn’t really been an issue in Hillsdale. Ms. Miano asked how other towns handle building height and if Mr. Statile thinks any of those ways might be better. Mr. Statile explained how other towns in Bergen County do it differently, stating that he has no problem with building height in Hillsdale. Mr. Statile also reminded the Board that he is no longer their municipal engineer, only the Board engineer, so he does not see everything that goes to the Building Department.

The FAR ordinance was discussed. The possibility of setting up committee(s) to look at FAR, mixed use changes, a sustainability plan was also discussed and will be brought up again at the next meeting. Mr. Statile said that he feels Hillsdale’s commercial parking standards are too rigid and suggested lessening the number of parking spaces required. It was confirmed that the parking standards have not been changed since the ordinance was adopted in 1975. Chairman Giancarlo stated that he would like to discuss this further at the next meeting. Mr. Statile stated that the Master Plan would not need to be changed if the Board decided it wanted to change the commercial parking standards, just the ordinance.

Sober house issues were then revisited by the Board. Ms. Nabbie stated that the burden of proof is always on the applicant when there is a non-conforming use or structure, and the applicant always has to demonstrate under the MLUL that the structure had a pre-existing, lawful non-conforming use. She further stated that the Board has previously encountered issues where the information that should have been given to the zoning officer to make a determination about a property may or may

not have been given to him/her. The Board had previously discussed assisting the Building Department by creating a checklist of information and items that must be provided by an applicant before a certificate of non-conformity can or should be issued. Ms. Nabbie stated that this is something that should be included in any resolution to be sent to the governing body for consideration. Mr. Horvath asked what constitutes valid grandfathering and Ms. Nabbie replied that if the structure existed before the change of the zoning ordinance, proof that it was lawful at some time in the past, then it can be “grandfathered.”

COAH and Fair Share/Affordable Housing was discussed. Mayor Arnowitz stated that he believes COAH may come out with new standards, and in the event that they do, either the Board Planner or Borough Planner would need to review Hillsdale’s existing COAH plan against the new standards and report back to both the Planning Board and the Council as to whether or not Hillsdale is in compliance. Mayor Arnowitz asked whose responsibility that would be, the Board Planner or the Borough Planner. It was determined that it is the responsibility of the Borough Planner. Mr. Statile informed the Board that Hillsdale never filed a third round, the third round plan was submitted for comments but changes never adopted. It was confirmed that at the next meeting, January 28th, Mr. Statile will provide the Board with ideas and examples on commercial parking standards. Mr. Grygiel will be present at the February 12th meeting. The possibility of a Master Plan committee was discussed. The Board submitting recommendations to the Council at some point in the future was also discussed and it was suggested to submit all recommendations at once. Vice Chairwoman Calabria asked if that means the Board should wait to submit its annual report and suggestions list. The possibility of creating a subcommittee of three members to discuss the two issues of FAR and consideration of mixed use for Patterson Street was also discussed.

Mayor Arnowitz expressed concerns about the Planning Board’s budget and there being sufficient funds. The adoption of an ordinance that would require applicants to notice for minor subdivision applications was discussed, as although it is not currently required the Board has requested it of applicants. Mr. Statile stated that there wouldn’t be a downside to that other than it being more costly to the applicant. He further stated that the adoption of such an ordinance would not require a Master Plan change, only an ordinance change and the Board could send in a request to the Council to change the ordinance. Mayor Arnowitz stated that every time you change an ordinance, it is an involved and expensive proposition that requires time and legal attention. He encouraged the Board that if they are going to change the Master Plan, that they make all changes simultaneously. Ms. Kates asked if creating a new ordinance was more costly than changing an existing one and the Mayor responded that when you change an existing ordinance you’re creating a new one, so the required process is the same. Regarding industrial uses, Ms. Nabbie suggested that the Borough zoning ordinance state that if a use is not specifically permitted, it is prohibited, and the Board would make that change by making a recommendation to the governing body. The meeting was adjourned at 10:00pm.

Respectfully submitted,

Caitlin Chadwick
Deputy Secretary