

February 25, 2020

Chairman Michael Giancarlo  
and Members of the Planning Board  
Borough of Hillsdale  
380 Hillsdale Avenue  
Hillsdale, NJ 07642

Regarding: **Block 1501, Lot 2, Borough of Hillsdale**  
**330 Broadway, Variance Application PZ-01-20**  
**Ilda & Edward Beja, Applicants**  
**NIZA, LLC, Owner**

Dear Chairperson Giancarlo and Members of the Board:

We are in receipt of a “d1” Use Variance application for the above property to occupy commercial space with a residential unit. Accompanying the application is a Site Plan prepared by Chris Lantelme, PE, LS dated October 30, 2019 entitled “Site Plan for NIZA, LLC, 330 Broadway, Lot 2, Block 1501, Hillsdale, N.J.”

The current property owners submitted an application in February 2006 to convert the attic space of the existing building to residential use. This use variance application was later withdrawn.

We believe that this current application is for a “d” or Use Variance so the Mayor and Council Liaison must recuse themselves.

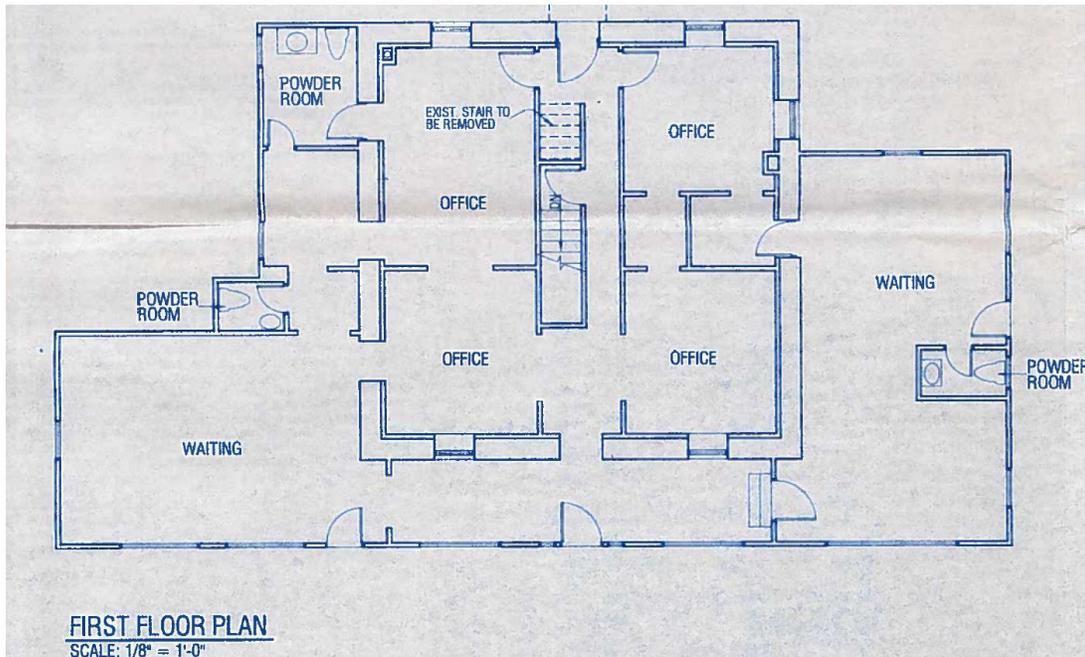
### **General Site Description**

Lot 2 is located on the east side of Broadway, across from the Park View Drive intersection in the “C” Commercial Zone. The site is currently improved with a 2½ story building. The site plan shows 15 parking spaces divided into two groups of parking located north and south of the building. An existing overhead walkway and concrete walk connect the south parking area to the residential, second story section of the building.

According to representatives from the Hillsdale Building Department, the building has historically been a mixed-use building, with a doctor’s office on the first floor and residential use on the second floor. In 2004 the previous owner gutted the second floor area absent construction permits and the single residential apartment was split into two residential apartments. While there are two different options by two different past zoning officials in the Borough file, the second residential unit remains today presumably occupied.

The first floor contains(ed) commercial office space that appears to be used as a physician's office and craft shop (see "First Floor Plan" from prior application).

On the site plan, the applicant proposes to change the use of the northern half of the 1<sup>st</sup> floor to residential use (+/-1,230 SF), thereby having three residential units on the subject commercial property. It appears the southern half of the 1<sup>st</sup> floor (+/-1,130 SF) will remain as commercial use.



### **Completeness Review**

The application was reviewed against the eight-item checklist for variance applications. The following items are deficient:

1. Photographs of the subject and adjacent properties, **MUST** be provided at the public hearing.
2. Letter of denial from the Construction Code Official.
3. Architectural plans indicating the exact area to be occupied by the residential use should be provided to the Board. This will assist the Zoning Official for future conflicts in use.

## Zoning Review

### Use Variance:

The application is for an expansion of a nonconforming use into the first floor, which requires a Use Variance pursuant to N.J.S.A. 40:55D-70d(2). The subject property is located in a “C” Commercial Zone which does not permit residential use nor does the master plan anticipate such use. The residential use on the 2<sup>nd</sup> floor may continue assuming its use was permitted by the Zoning Official. Evidence via the Zoning Official that the non-conforming use should continue should be provided by the applicant.

The applicant must also show that the use has occurred continuously and has not been abandoned.

### General Comments

1. The plan should show signage, garbage dumpster location and method of screening.
2. The monument sign appears out of compliance with the current sign ordinance. Its disposition should the application be approved should be discussed by the Board as current commercial tenant will no longer need to be represented on the sign.
3. The barrier-free parking space should have the required signage for enforcement purposes.
4. Should the application be approved, crosswalk lines should be painted across the large driveway openings to warn motorists of potential pedestrian crossings.

We trust that these comments will assist the Board members in their review of the application and give the applicant an opportunity to amend the site plan.

Very truly yours,

C. P. STATILE, P.A.

Christopher P. Statile, P.E.  
Planning Board Engineer

cc: Howard Siegel, Esq., Applicant’s Counsel  
Ilda & Edward Beja, Applicants

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