

# Peter G. Steck

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July 13, 2022

## PLANNING MEMORANDUM

**TO: Stephen Sinisi, Esq.**

**RE: Application of Roger Gross for Subdivision and Variances in R-2 Zone**  
271 Pascack Road, Block 605, Lot 17  
Borough of Hillsdale, New Jersey

### INTRODUCTION

As part of my planning testimony on July 28, 2022 before the Hillsdale Planning Board in support of this subdivision application, I indicated that granting the application would have the benefit of limiting the size of a dwelling that could be constructed by right on the unsubdivided property. To supplement my testimony, this Planning Memorandum provides affirmation of the size of a dwelling that could be constructed without the need for any variances or any approvals from the Hillsdale Planning Board or Board of Adjustment. Excerpts from the Hillsdale Zoning Ordinance are included in Appendix A.

### AS OF RIGHT DEVELOPMENT

Plate I on the following page is a concept plan indicating the size of a single family dwelling with a detached garage which I conclude would not require any variance approvals from either the Hillsdale Planning Board or Board of Adjustment as it would be an "as of right" development needing only building permits. The following information is offered in support of this conclusion:

- A lot area of 55,624 square feet is utilized for the calculations which excludes the 1,485 square feet of land to be dedicated to Bergen County for right-of-way widening.
- The maximum total floor area of all buildings would be 27% of 55,624 square feet or 15,018 square feet or say 15,000 square feet.
- The concept plan shows a two story dwelling with dimensions of 70 feet by 100 feet having 7,000 square feet on each of the two floors for a total of 14,000 square feet.
- Above the second story would be either a flat roof or more likely a modestly pitched roof with no habitable area in the attic. Hence, the attic floor area would not be counted.
- The concept plan also shows a detached four-car garage with a floor area of 1,000 square feet.
- The concept plan also shows an 18 foot wide driveway and a maneuvering area in front of the detached garage with a total impervious coverage of 5,900 square feet.
- The 8,000 square foot building coverage would be substantially less than the maximum of 20% of 55,624 square feet or 11,124 square feet. The impervious coverage would be 13,900 square feet which would be substantially less than the maximum of 30% of 55,624 square feet or 16,687 square feet.

cc: Roger Gross

PLATE I  
CONCEPT PLAN FOR AS OF RIGHT DEVELOPMENT

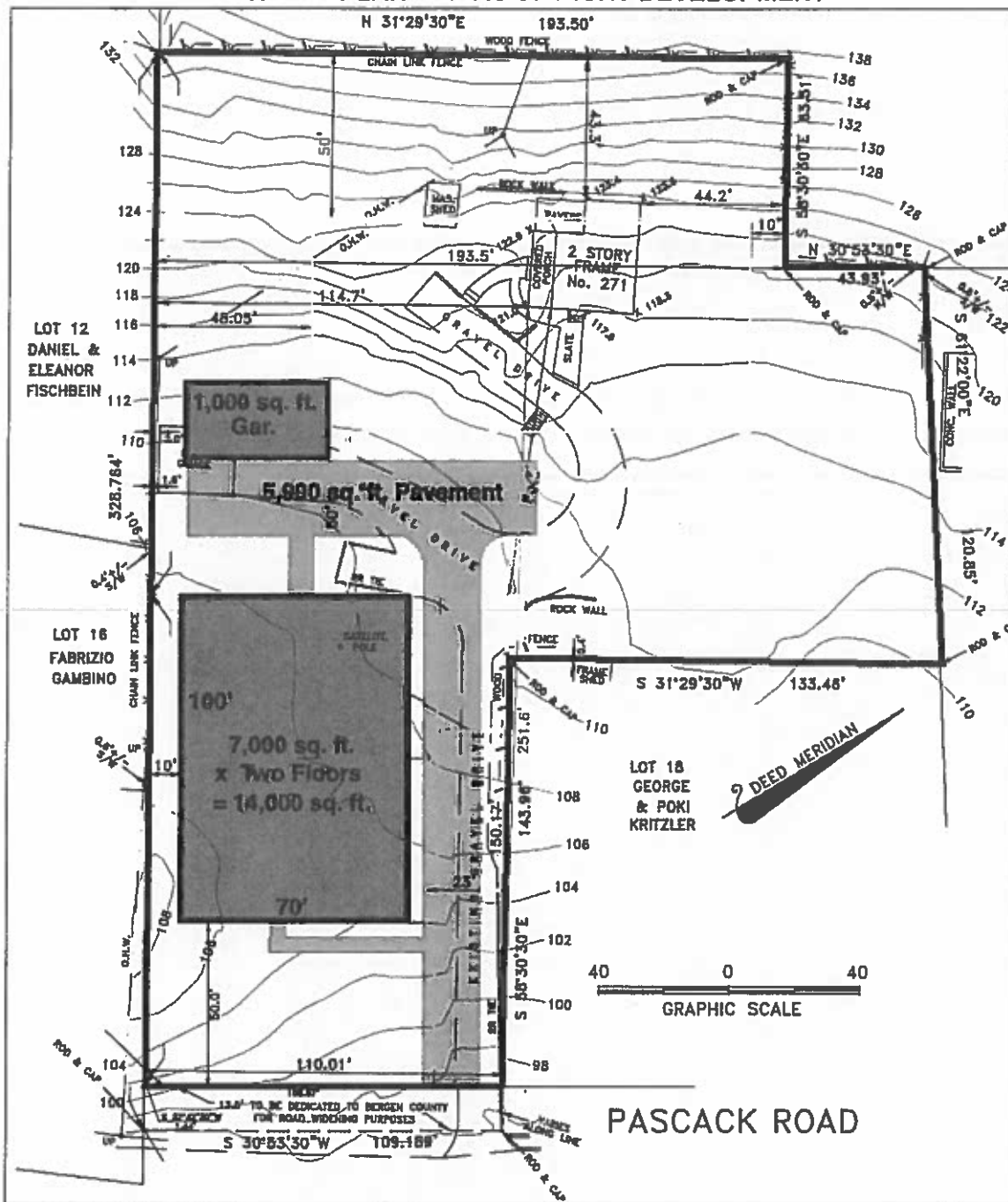
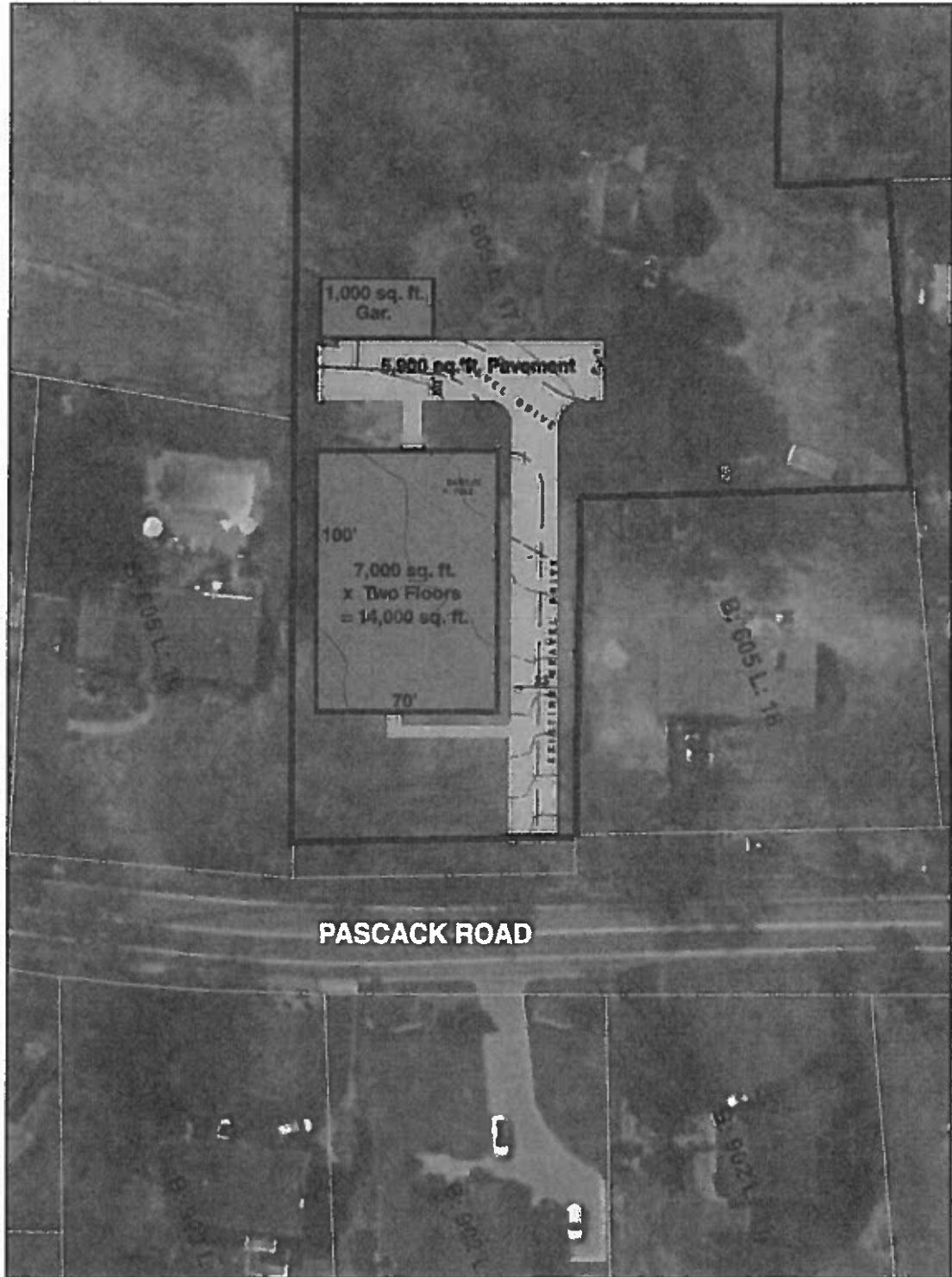


PLATE II  
CONCEPT PLAN SUPERIMPOSED ON 2020 SATELITE PHOTO



## HILLSDALE BOROUGH ZONING ORDINANCE EXCERPTS

**Chapter 310. Land Use****Part 4. Zoning****Article XIII. Use Schedule****§ 310-53. Schedule of uses and requirements.**

The schedule of uses of all zoning districts shall be as shown on the current Schedule of Uses and Requirements<sup>[1]</sup> included as an attachment and made part of this chapter shown on the reverse side of the Zoning Map of the Borough of Hillsdale.<sup>[2]</sup> Said Schedule of Uses and all notations and references thereon are hereby incorporated herein and declared to be a part of this chapter.

**A. Schedule amendments.**

- (1) The Schedule of Uses and Requirements shall be amended as follows:

Permitted Floor Area Ratio in the R-2 Zone shall be 27%.

Building Height in all R-2 zone shall be 35 feet.

**§ 310-54. General exceptions.**

- C. In the R-1, R-2, R-3 and R-4 Zones, roofed and unroofed front porches, entry platforms and/or associated stoops and steps shall be permitted to encroach into the required front yard setback area a maximum of eight feet. The area of the porch, platform, stoops or steps that is permitted to encroach in the front yard setback area shall not exceed 40 square feet. The roofed or unroofed front porch, entry platform and/or associated steps must be attached to a one-family dwelling that meets the required front yard setback. The eight-foot encroachment shall only be permitted where the one-family dwelling meets the required front yard setback for the zone in which it is located. Where such an encroachment is proposed, the structure or improvement that is projecting into the front yard setback area shall not have a width in excess of 10 feet. The improvement that is encroaching into the front yard setback area shall be a one-story structure. There shall not be a story above the improvement or a basement or cellar beneath it.

**§ 310-55. Regulations applicable to all districts.**

- C. Principal building. No lot in any Residence District shall have erected upon it more than one principal building. No yard or other required parking or other open space provided about any building in any district for the purpose of complying with the provisions of this chapter shall be considered in determining compliance with the yard or open space requirements hereof for any other building.

## HILLSDALE BOROUGH ZONING ORDINANCE EXCERPTS - Continued

## H. Accessory structures and uses.

- (1) No detached accessory building shall be closer to any principal building than a distance equal to the height of such accessory building, but in no event closer than 10 feet to the principal building.
- (2) Except as otherwise herein provided, no accessory structure shall exceed a height of 15 feet.
- (3) No accessory structure other than a conforming sign, flagpole or fence shall be located in a required front yard.
- (4) Accessory structures and uses.
  - (a) An accessory structure other than a fence may be located in any required rear yard, provided that it is set back from all lot lines a distance not less than the height of such structure; provided, however, that in the case of a corner lot, it shall also conform.
- (6) The floor area of all accessory buildings shall not exceed 10% of the total gross floor area of the principal building on that lot, except that a private garage may have a floor area not greater than 25% of the total gross floor area of the dwelling to which it is accessory.
- (7) The grade of any driveway shall not exceed 10% as measured from the street line.

## Article XVI. Parking Regulations

## § 310-57. Off-street parking.

- A. Off-street parking space shall be provided as specified in this article and shall be furnished with necessary maneuvering areas, passageways and driveways. All such space shall be deemed to be required space on the lot on which the use it serves is situated and shall not be encroached upon or reduced in any manner.
- C. Except as herein otherwise provided, no vehicle other than a passenger automobile, motorcycle or passenger automobile of recreation design (Winnebago or mobile homes of similar type) shall be parked in a Residential District between the hours of 10:00 p.m. and 6:00 a.m. or on Sunday. The only exceptions to this provision shall be as follows:
  - (1) One vehicle used for the transportation of goods, materials or commercial transportation of people may be regularly parked or stored on a lot in a Residential District, provided that the gross registered weight shall be less than 10,000 pounds, the height of the vehicle shall not exceed eight feet and the vehicle shall not have more than four wheels.
  - (2) Any vehicles other than those as described and permitted in Subsection C(1) must be parked or stored in enclosed garages in Residential Zones.

## § 310-59. Required off-street parking spaces.

Provision for off-street parking areas shall be made in accordance with the following minimum standards:

- A. One-family detached dwellings: one parking space per dwelling unit.

## HILLSDALE BOROUGH ZONING ORDINANCE EXCERPTS - Continued

## SCHEDULE OF USES AND REQUIREMENTS

4/22/2019

DISTRICT	R-2
<b>Principal Permitted Use</b> For uses permitted in all districts, Section 310-53	1. One family dwellings 2. Public Parks and playgrounds
<b>ACCESSORY USES</b> See Section 310-55 (H)	Private Garage Swimming Pool Storage Building Tennis Courts etc. (See sect 310- 55(H))
<b>Conditional Uses, see</b> Sections 310-66 & 67	Public utilities Schools (see 310-67(F)) Satelite antenna (see 310-56.1-67(G)) Places of worship (see 310-67(H)) Age-Restricted Housing (ord. 07-01)
<b>Building Heights (maximum)</b> (see 310-54 (A) for exceptions)	Prin. 35 ft.
<b>BUILDING COVERAGE (maximum %)</b>	20
<b>Lot Area (min.) sq. ft.</b>	15,000
<b>Lot Frontage and Width (min. ft.)</b>	100
<b>Lot Depth (min. ft.)</b>	150
<b>Front Yard (min. depth)</b>	50 feet
<b>Side Yard (min. depth)</b>	Total of 30% of lot width with at least 10' on either side
<b>Rear Yard (min. depth)</b>	50 feet
<b>Impervious Coverage *</b>	30%
<b>Floor Area Ratio *</b>	27%
<b>Other Required Conditions and Supplementary Notes</b> See Part 4, for Article XIV General Regulations See Part 4, Article XV for Special Regulations	Setback of corner lots - . . . See 310-54C for Exceptions to Front Yard Setbacks.  See 310-55H(5) for Applicable Regulations for Side and Rear Yard Setbacks.
<b>Minimum Total Floor Area Requirements</b>	1 story - 1,800 sq. ft. 2 story - 1,200 sq. ft. ground floor - 600 sq. ft. second floor

HILLSDALE BOROUGH ZONING ORDINANCE EXCERPTS - Continued

**§ 310-4. Definitions.**

**BUILDING COVERAGE**

Building coverage shall be computed by determining the first floor area of any and all structures intended to be used or occupied on a permanent or temporary basis, and shall include but not be limited to, buildings, sheds, pool houses and garages.

**BUILDING HEIGHT**

The vertical distance measured from average finished grade taken at a 5' offset from the perimeter of the Building to the highest point of the roof.

**FLOOR AREA RATIO (FAR)**

The sum of the area of all floors of existing or new buildings or structures, compared to the total area of the property on which the structures are located, expressed as a percentage. The computation of floor area ratio includes the principal and all accessory structures and buildings, such as sheds and garages located on the lot. Habitable attic space as defined in this § 310-4 is included in the FAR calculation. Basements, cellars, and uncovered decks and patios are not included in the computation. Roofed and/or covered decks and patios are considered buildings and included in the FAR calculations. FAR computations shall be taken from the exterior face of outside walls, pillars and/or columns and include the wall thickness.

**HABITABLE ATTIC SPACE**

An attic that has a stairway as a means of access and egress and in which the ceiling area at a height of seven feet above the attic floor is not more than 1/3 of the new floor below. Habitable attic space is served by a heating system and includes attic space used for living, sleeping, eating or cooking, as well as bathrooms and toilet rooms. Unheated storage and utility spaces are not considered habitable attic space.