

CHRISTOPHER P. STATILE, P.A.

PROFESSIONAL ENGINEERS & PLANNERS
CONSULTING ENGINEERS

CPSTATILE@AOL.COM

3 FIR COURT
OAKLAND, NJ 07430
(201) 337-7470
FAX: (201) 337-7599

NEW YORK, NY

May 16, 2022

Chairman Dewey Burleson
and Members of the Planning Board
Borough of Hillsdale
380 Hillsdale Ave.
Hillsdale, NJ 07642

Regarding: **Block 404, Lot 1, Borough of Hillsdale**
34 Fairhaven Drive: Variance Application PZ-03-22
Anthony Rossillo, Applicant and Owner

Dear Chairman Burleson and Members of the Board:

We are in receipt of a bulk variance application, survey copy, and photographs of the subject property that were submitted to the Borough on February 22, 2022.

The application was supplemented with a current, updated property survey of April 11, 2022 by Butler Surveying & Mapping, Inc. (attached).

The applicant *had installed* a 6 ft. high fence within the front yard setback area absent a zoning permit. The applicant is appealing a December 9, 2021 denial letter from the Zoning Official. The application is for a "c" (bulk) due to the proposed fence exceeding the permitted fence height within a required front yard.

General Site Description

Lot 1 consists of consists of 14,899 SF (0.34 acre) and is located at the northwestern corner of the Winthrop Road/Fairhaven Drive intersection in the R-2 Zone District (minimum lot size 15,000 SF).

The property is improved with a one-story frame dwelling. A wood deck and a gravel area are located behind the dwelling. Various walkways are present on the property, and a macadam driveway provides access to the dwelling from Fairhaven Drive.

As a corner lot, the property has two front yards and two front yard setback areas. It appears that the dwelling encroaches into both setback areas. Therefore, there is no 50% discount for the secondary front yard setback requirement.

In addition, the lot is slightly undersized for the zone district.

Application

The applicant has constructed a 6 ft. high PVC fence in the Winthrop Road front yard setback area (see pre-condition photo below) and now seeks a variance. The same fence is also present along the north side property line; however, a six ft. high fence is permitted in that area.

A 4 ft. high fence is also found along the western property line. That fence height also conforms to the Borough Code and does not require a variance.

The 6 ft. high fence is prohibited in the front yard setback area.



Completeness Review

The application was reviewed against the Checklist for Variance Applications.

The applicant must provide a certificate from the Tax Collector stating whether any taxes or assessments for local improvements are due or delinquent prior to the public hearing. Otherwise, the application is complete for the scheduling of a public hearing.

Zoning Review

The following variances are required:

Existing Non-Conformities:

1. **Front Yard Setbacks to dwelling:** 32.8 ft. & 35.5 ft. vs. 50 ft. required.
2. **Lot Area:** 14,899 SF existing vs. 15,000 SF required, a difference of 101 SF.

Proposed Variances

1. **Fence Height, Section 310-56B:** The fence is proposed within the 50 ft. front yard setback of Winthrop Road. Fences on residential properties shall not exceed 4 ft. in height when located at a distance closer to any street line than the required front yard setback line (50 ft.).

A 4 ft. maximum height is permitted vs. 6 ft. proposed, a difference of 2 ft.

The fence is shown at 9.3 ft. and 7.1 ft. setback from the Winthrop Road property line.

General Comments

1. It appears that one large diameter tree was removed to accommodate the fence (tree at right in above photo).
2. The applicant is responsible for providing the required testimony for all variances. The positive and negative criteria must be satisfied.
3. The applicant should explain the need for the 6 ft. high fence versus a lower fence within the setback areas, i.e. using a stepped fenced.
4. The applicant should confirm that no trees are to be removed to install the fence. If any trees over 6" caliper are removed, two trees must be replanted for each.

We trust these review comments assist the Board in this application.

Very truly yours,

C. P. STATILE, P.A.

(original signed)

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

CPS/mr
cc: Nylema Nabbie, Esq.
Anthony Rossillo, Owner/Applicant
1120.052

BOROUGH OF HILLSDALE PLANNING BOARD
CHECKLIST - VARIANCE APPLICATION

Applicant: Anthony Rossillo
Address: 34 Fairhaven Drive
Block: 404 Lot: 1
Date: May 16, 2022

- A completed application form. [Obtain a form from the Building Department]
- A copy of the Land Use Officer's denial of your building permit application. This is usually the letter refusing to issue you a building permit. [Obtain this from the Building Department]
- A copy of the tax map indicating the subject property. [Obtain this from the Building Department]
- Sixteen (16) copies of the ground and typical floor plan of the existing building, and proposed additions or changes with all necessary measurements, as were submitted to the Land Use Officer.
- Sixteen (16) copies of a current property survey of the premises in question with all relevant proposed dimensions certified by a licensed Professional Engineer or Land Surveyor in the State of New Jersey. The surveyor or engineer only must show the proposed changes (i.e. new addition, deck, shed, fence) to your survey, with relevant dimensions.

The property owner or architect may not change, add or adulterate the survey in any manner. The survey should include a bulk table showing the existing and proposed zoning requirements for the subject property. All sixteen (16) copies of the survey must have a raised seal by the surveyor or engineer's signature.
- A certificate from the Tax Collector stating whether any taxes or assessments for local improvements are due or delinquent. [Obtain this from the Tax Collector]
- Submit the filing fee as required by the Hillsdale Land Use Ordinance.
- Statement of reasons for seeking the variance. [This may be a separate attachment to the application form]
- Photographs of the property in question and of all adjacent properties. The applicant's name and the property address should be marked on the photograph.