

PZ-07-24

PLANNING BOARD APPLICATION FORM

**BOROUGH OF HILLSDALE
380 HILLSDALE AVENUE
HILLSDALE, NJ 07642**

The application, with supporting documentation, must be filed with the Deputy Secretary to the Board and must be delivered to the Borough departments and professionals for review at least ten business days prior to the meeting at which the application is to be considered.

1. SUBJECT PROPERTY

Location 7 Cherry Hill Court, Hillsdale NJ 07642

Tax Map Page _____ Block 2201 Lot(s) 20

Dimensions Frontage 69.1' Depth 196.5' Total Area 18,885 Sq. Ft.

Zoning District R-2

2. APPLICANT

Name John and Jennifer Sabatie c/o Matthew G. Capizzi, Esq.

Address 205 Fairview Avenue, Westwood NJ 07675

Telephone Number 201-266-8300

Applicant is a Corporation Partnership Individual

3. OWNER

If Owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name Same as Applicant

Address _____

Telephone Number _____

4. APPLICANT'S ATTORNEY

Name Matthew G. Capizzi, Esq.

Address 205 Fairview Avenue, Westwood NJ 07675

Telephone Number 201-266-8300 **Fax Number** 201-266-8301

5. APPLICANT'S ENGINEER

Name Tyler Vandervalk, P.E., of Civilized Engineering, LLC

Address 64 Valley Road, Butler NJ 07405

Telephone Number 973-570-5893 **Fax Number** _____

6. EXPERTS

List any other Expert who will submit a report or who will testify for the Applicant: [Attach additional sheets as may be necessary]

Name Frank Troia, A.I.A., of Plan Architecture

Field of Expertise Architecture

Address 267 Pascack Road, Township of Washington, NJ 07676

Telephone Number 201-664-7526 **Fax Number** _____

7. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION: **N/A**

____ Minor Subdivision Approval _____ Subdivision Approval [Preliminary]

____ Subdivision Approval [Final]

Number of lots to be created (including remainder lot) _____

Number of proposed dwelling units (if applicable) _____

SITE PLAN: **N/A**

____ Minor Site Plan Approval

____ Preliminary Site Plan Approval

____ Final Site Plan Approval

_____ Amendment or Revision to an Approved Site Plan

Area to be disturbed (square feet) _____ Total number of proposed dwelling units _____

_____ Request for Waiver from Site Plan Review and Approval

Reason for request:

VARIANCE:

_____ Appeal decision of an Administrative Officer [N.J.S. 40:55D-70a]

_____ Map or Ordinance Interpretation of Special Question [N.J.S. 40:55D-70b]

xx _____ Variance Relief (hardship) [N.J.S. 40:55D-70c(1)]

_____ Variance Relief (substantial benefit) [N.J.S. 40:55D-70c(2)]

_____ Variance Relief (use) [N.J.S. 40:55D-70d]

MISCELLANEOUS: **N/A**

_____ Informal Review

_____ Conditional Use Approval [N.J.S. 40:55D-67]

_____ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S. 40:55D-34]

_____ Direct issuance of a permit for a lot lacking street frontage [N.J.S. 40:55D-35]

8. Section(s) of Ordinance from which a variance is requested:

310-53(A)(1)

9. Waivers Requested of Development Standards and/or Submission Requirements: [attach additional pages as needed]

N/A

10. Explain in detail the exact nature of the application and changes to be made at the premises, including the proposed use of the premises: (attached pages as needed)

The Applicant seeks to construct a two-story addition to the left side of the existing dwelling to provide for a two (2) car front loading garage on the first floor and expanded living space on the second floor.

11. Have proposed lots numbers been reviewed by the Tax Assessor to determine appropriate lot and block numbers? N/A

12. Are any off-tract improvements required or proposed? N/A

13. Is the subdivision to be filed by Deed or Plat? N/A

14. Indicate other approvals which are required and date plans submitted:

	Yes	No	Date Plans Submitted
Bergen County Utilities Authority			
Bergen County Planning Board			
Bergen County Soil Conservation District	xx		Will be submitted should the application be approved by the Board
New Jersey Department of Environmental Protection			
Sewer Extension Permit			
Sanitary Sewer Connection Permit			
Stream Encroachment Permit			
Wetlands Delineation			
Wetlands Permit			
Transition Area Waiver			
Potable Water Construction Permit			
Other			
New Jersey Highway Authority			
Public Service Electric & Gas Company			

15. Provide Certification from the Tax Collector that all taxes due on the subject property have been paid.

Yes No

16. PROPERTY INFORMATION

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes [attach copies] No Proposed

Note: All deed restrictions, covenants, easements, association by-laws, existing or proposed must be submitted for review.

Present use of the premises: Single-family residence

17. Has the property been subject to any prior variance applications?

Yes No

If yes, please explain in detail any prior applications:

18. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

Topographic Survey of Property prepared by Lakeland Surveying dated March 8, 2024;
Engineering Plan prepared by Civilized Engineering, LLC dated March 15, 2024 consisting
of one (1) sheet; and
Architectural Plan prepared by Plan Architecture dated March 18, 2024 consisting of six (6)
sheets.

19. APPLICATION REFERRALS (SITE PLAN/SUBDIVISION APPLICATIONS ONLY) N/A

It is the responsibility of the applicant under Section 310-88 of the municipal ordinances to mail or deliver copies of department referral forms to the Borough Hall, including the application form and all supporting plans and documents to the various Borough Departments and professional staff to which the application is submitted for their review. This documentation must be received by the departments and professional staff at least 30 calendar days prior to the public meeting at which the application is to be considered, otherwise the application will be deemed incomplete. Referral forms are available at the Borough Hall with this application.

Quantity	Description of Item
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Copies of each referral form, and Preliminary Site Plan or Subdivision Application documents shall be forwarded to the Borough Hall for the following:

- a. Land Use Officer
- b. Borough Engineer (if different than Planning Board Engineer)
- c. Board of Health
- d. Police Chief
- e. Department of Public Works Superintendent
- f. Fire Prevention Bureau
- g. Recreation Commission
- h. Hillsdale Board of Education, 32 Ruckman Road, Hillsdale, NJ 07642
- i. Environmental Commission

The applicant shall produce proof by affidavit to the Board of the date such copies were sent.

To be provided prior to the formal hearing date.

20. ADVERTISEMENT (Do not publish the notice or serve affidavits **until the application has been deemed complete** by the Board.)

Obtain list of affected property owners within 200 ft. from the Borough Tax Assessor. The Tax Assessor has 7 days to provide this information. You should contact the Tax Assessor's office as soon as possible to receive your list of affected property owners. There is a \$ 10 fee for this list.

A copy of the Notice must appear in the official newspaper of the Borough and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinances from which relief is sought, if applicable (see attached Sample Public Notice).

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Deputy Secretary for the hearing.

An affidavit of service on all property owners and a proof of publication must be filed with the Planning Board Attorney no less than 5 business days prior to the hearing date, the hearing can proceed.

21. DISCLOSURE STATEMENT **N/A**

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55-D48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. **[Attach pages as necessary to fully comply.]**

Name _____
Address _____
Interest _____

CERTIFICATIONS

22. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

(If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this _____ day of _____, 20__

NOTARY PUBLIC

SIGNATURE OF APPLICANT

23. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

(If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this 29th day of April, 2024

GLORIA M. DUBY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 2024

Gloria Duby
SIGNATURE OF NOTARY PUBLIC

John Schuch
SIGNATURE OF OWNER

24. I understand that the sum of \$ _____ has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Borough of Hillsdale, I further understand that the escrow account is established in accordance with State Law to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I as the applicant will be notified of the required additional amount and shall add that sum to the escrow account within fifteen days.

4/29/24
Date

John Schuch
SIGNATURE OF APPLICANT

To be completed by the Deputy Secretary only.

Planning Board			
Date Filed		Application No.	
Application Fees		Escrow Deposit	
Scheduled for:			
Review of Completeness		Hearing	

Contribution Disclosure Statement

See Borough Ordinance 04-13

This Statement **must be** filed for all **variance applications** by the property owner, the applicants and their associates, and all professionals who provide testimony, plans, and reports in support of variance applications, all who have an enforceable proprietary interest in the property or development, or whose fee in whole or part is contingent upon the outcome of the applications.

This Statement is not required to be filed for an applicant affecting a sole single-family dwelling and/or in the event the contribution has been made in an amount equal to or less than \$ 400.00.

List below any and all contributions made to, or on behalf of, any candidate, candidate committee, joint candidate committees, political committee, of or pertaining to the Borough of Hillsdale, made up to four year prior to the filing of this variance application, and/or a liability or commitment assumed during the pendency of this application, and required to be reported to N.J.S.A. 19:44-1 et seq.:

Contribution*	Date	Recipient

* Value as defined in the Borough Ordinance 04-13

None

If no such contributions were made, indicate "None" by placing a check mark in the box.

CAPIZZI LAW OFFICES

205 Fairview Avenue
Westwood, NJ 07675
MATTHEW G. CAPIZZI, ESQ. 201 266 8300 (o)
N.J., N.Y., & D.C. Bars 201 266 8301 (f)
Capizzilaw.com

New York Office:
1 Blue Hill Plaza
Lobby Level, Suite 1509
Pearl River, NY 10965
Reply to New Jersey Office

April 29, 2024

Reasons for Relief

Chairwoman Meredith Kates and Members of the Board
Borough of Hillsdale Planning Board
380 Hillsdale Avenue
Hillsdale, NJ 07642

Re: Sabatie – Hillsdale PB (the “Applicant”)
7 Cherry Hill Court; Block 2201, Lot 20 (the “Property”)

Dear Chairwoman Kates and Members of the Board:

The Property is located in the Borough R-2 Zone, is trapezoidal in shape, and is located on the bulb of the Cherry Hill Court cul-de-sac. The Property is improved with a single-family dwelling with side side-loading two-car garage. The side loading garage is narrow and, as such, has limited utility. In addition, the location of the garage makes movements into and out of the garage difficult.

The Applicant proposes to construct a two-story addition to the left side of the existing dwelling to provide for a two (2) car front-loading garage on the first floor and expanded living space on the second floor (the “Proposal”). Given the location of the existing residence, the left side yard is the most practical location for the proposed addition. The addition will provide a conforming left/westerly side yard setback. However, the shape of the lot, with its irregular lot lines, which are not parallel to one another, triggers the need for a combined side yard setback variance - 35.8’ Minimum Required v. 27.0’ Proposed.

The variance can be granted without causing a substantial detriment to the public good as the left side yard setback is conforming, the dwelling is well below the allowable building height (35’ Max Allowed v. 21.5’ Proposed), the allowable floor area ratio (.27 Max Allowed v. .12 Proposed), and the allowable building coverage (20% Max Allowed v. 12.9% Proposed). Due to the proposed home being well below these bulk requirements, the Property provides the anticipated light, air and open space despite the request for the combined side yard setback variance.

Chairwoman Kates and Members of the Board
April 29, 2024
Page 2 of 2

Therefore, we request the Application be granted.

Respectfully Submitted,

Matthew Capizzi, Esq. /s

Matthew G. Capizzi, Esq.

MGC/hs

BOROUGH OF
HILLSDALE
New Jersey

Steven Loesner
Zoning Official

380 Hillsdale Avenue
Hillsdale, New Jersey 07642
201-666-4800 (main)
201-722-2612 ext 1563 (direct)
sloesner@hillsdalenj.org

April 4, 2024

John & Jennifer Sabatie
7 Cherry Hill Ct.
Hillsdale, NJ 07642
Block 2201 Lot 20 Zone R-2

Re: Proposed Addition

Mr. & Mrs. Sabatie,

Your application to construct a two-story addition to your residence is *denied*. Submitted plans indicate a combined side yard setback of 27.0 ft where 35.8 ft is required.

This decision may be appealed to the Hillsdale Zoning Board or you may apply for a variance. The variance application is available in the construction department at borough hall or online. Please note that under state statute, this appeal must be filed with this office not later than twenty days from the date of this notice. If you have any questions, please contact this office.

Sincerely,

Steven Loesner
Zoning Official
Hillsdale, NJ 07642
201 722-2612 ext. 1563

CC: Matthew G. Capizzi Esq. by e-mail
matthew@capizzilaw.com

CC: Toyna Janeiro
Planning Board Secretary

CC: Mary Williams
Building Dept.

CAPIZZI LAW OFFICES

MATTHEW G. CAPIZZI, ESQ.
N.J., N.Y., & D.C. Bars

205 Fairview Avenue
Westwood, NJ 07675
201 266 8300 (o)
201 266 8301 (f)
Capizzilaw.com

New York Office:
1 Blue Hill Plaza
Lobby Level, Suite 1509
Pearl River, NY 10965
Reply to New Jersey Office

Borough of Hillsdale PROOF OF PAYMENT OF TAXES

Sabatie
7 Cherry Hill Court
Block: 2201, Lot:20

No taxes are due and owing on this property as of (Date) 2/8/24

Taxes are due on this property as follows _____



I verify that this information **accurately**
reflects municipal tax records.
Tax Collector
Hillsdale Borough
Bergen County

Kelly Lombardi, CTC
Borough of Hillsdale -
Authorized Representative