

	<p align="center">PLANNING BOARD APPLICATION FORM</p>	<p align="center">380 Hillsdale Avenue Hillsdale, New Jersey 07642 201-666-4800 (main)</p>
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This application with supporting documentation must be filed with the Deputy Secretary to the Board and must be delivered to Borough Departments and Board Professionals for review at least ten business days prior to the public meeting at which the application is to be considered. Only the applicant who represents themselves, or the applicant's legal counsel may address the Board at the public hearing. The applicant's professionals will be qualified, and called to testify by the Board.

For Planning Board Use Only			
Date Filed: <u>1-22-24</u>		Application No.	<u>P2-01-24</u>
Application Filing Fee Check # <u>11709</u>	Filing Fee Amount: <u>\$250</u>	Escrow Check # <u>11710</u>	Escrow Deposit Amount: <u>\$750-</u>
Scheduled for:			
Review of Completeness		Hearing Date (s)	

1. SUBJECT PROPERTY

Location 59 Central Avenue, Hillsdale, NJ

Tax Map Page _____ Block 1401 Lot(s) 10

Property Dimensions Frontage 50' Depth 150' Total Area 7,500 s.f.

Zoning District R-4

2. APPLICANT

Name Jeremy Germain & Ellen Germain

Address 59 Central Avenue, Hillsdale, NJ

Telephone Number 201-675-3259 **Email Address** jeremyd.germain@gmail.com

Applicant is a: Corporation Partnership Individual(s)

3. OWNER

If the above Applicant is not the property owner(s), provide the following information for the Owner(s):

Owner's Name Same as Applicant

Address _____

Telephone Number _____

Email Address _____

RECEIVED

JAN 22 2024

PB Case No: PL-01-24

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4. APPLICANT'S ATTORNEY

Name Bruce E. Whitaker, Esq, McDonnell & Whitaker, LLC

Address 245 E. Main Street, PO Box 379, Ramsey, NJ 07446

Telephone Number 201-934-0110 Fax Number 201-934-0448

Email Address mcwhitlaw@optonline.net

5. APPLICANT'S ENGINEER

Name _____

Address _____

Telephone Number _____ Fax Number _____

Email Address _____

6. OTHER 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 Scott Bella, AIA

Field of Expertise Architect

Address 65 Glen Avenue, Glen Rock, NJ 07452

Telephone Number 201-612-0700 Fax Number 201-612-0370

Email Address scottbella@gmail.com

7. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

_____ 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) _____

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SITE PLAN:

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]

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:

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:

See Zoning Denial Attached

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

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)

See Addendum attached

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
		<input checked="" type="checkbox"/>	
Bergen County Utilities Authority		<input checked="" type="checkbox"/>	
Bergen County Planning Board		<input checked="" type="checkbox"/>	
Bergen County Soil Conservation District		<input checked="" type="checkbox"/>	
New Jersey Department of Environmental Protection		<input checked="" type="checkbox"/>	
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		<input checked="" type="checkbox"/>	
Public Service Electric & Gas Company		<input checked="" type="checkbox"/>	

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

Yes No

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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 dwelling

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

Yes. Date of Approval/Denial _____ 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).

Plan prepared by Scott Bella,, RA dated 5/24/23 last revised 8/20/23

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N/A

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

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
_____	_____
_____	_____

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.

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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

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.]** *N/A*

Name _____

Address _____

Interest _____

HILLSDALE PLANNING BOARD APPLICATION
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
18 day of January, 2024

Cheryl B. Piccolo
NOTARY PUBLIC

Procee Whittaker Anthony Jr
SIGNATURE OF APPLICANT / *Owner*

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
_____ day of _____, 20__

NOTARY PUBLIC

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 of the request from the Board.

Date

SIGNATURE OF APPLICANT

To be completed by the Deputy Secretary only.

CHERYL B. PICCOLI
A Notary Public of New Jersey
My Commission Expires August 15, 2028

ADDENDUM

Jeremy Germain and Ellen Germain (hereinafter referred to as the “Applicant”) are the Owners of the property known as 59 Central Avenue, Hillsdale, New Jersey and shown on the Tax Map of the Borough of Hillsdale as Block 1401, Lot 10 (hereinafter referred to as the “Property”). The Property is located in the R-4 Zone. There is a single family dwelling unit on the Property with a detached garage.

The Property has the following nonconformities:

- A. Frontage of 50 feet, where 75 feet is required;
- B. Front yard setback of 24 feet, where 30 feet is required;
- C. Impervious coverage of 32%, where 30% is the maximum permitted.

The Property has an unusual configuration being narrow and elongated and still contains the minimum lot area of 7,500 square feet as required in the R-4 Zone.

The Applicant is proposing an addition to the rear of the existing two and one-half story structure that will basically square off the home. The addition will contain a first floor with a mudroom, entry off the kitchen, laundry room and bathroom. Additional interior alterations are proposed. The new addition will be 275 square feet.

The Applicant seeks a variance to permit impervious coverage which is now at 32%, to be 40.2%, where 30% is the maximum permitted. It is recognized that a large part of the impervious coverage is due to the fact that there is a long driveway running to the left of the Property to a detached garage to the rear of the Property. The driveway consists of 695 square feet.

The Applicant also requests a variance to permit floor area ratio to be 35.3%, where 35% is the maximum permitted. It is submitted that the overage in the floor area ratio of .3% is de minimis in nature and basically permits the existing home to be squared off to the rear and provide a more functional area for the kitchen and creating a mud room and appropriate stairway to the basement, all of which meets more up to date standards as it pertains to living space within a single family dwelling unit.

There is no exacerbation as it pertains to nonconforming conditions regarding lot frontage or as it pertains to the front yard setback. The addition itself has a front yard setback of 59.4 feet, where 30 feet is the minimum required. This addition will not be readily discernible as it is to the rear of the Property as previously stated and basically squares off the existing dwelling unit.

It is submitted that variance relief is appropriate under N.J.S.A. 40:55D-70(C)(1) as it pertains to the impervious coverage variance request. There is an unusual condition here in that the lot has a depth of 150 feet with a lawfully existing structure to the rear, namely the detached garage and much of the impervious coverage pertains to a driveway running from Central Avenue to that garage. It is what creates an overage in impervious coverage now. The addition that is proposed is modest in size with only 275 square feet for the first floor of the home that has existing square footage of 1,309 square feet.

It is submitted that variance relief can be granted for the floor area ratio since the overage is a de minimis amount namely, .3%. The addition as proposed squares off the house and creates a more functional living space meeting today's standards. From an architectural perspective, the addition becomes an integral part of the existing structure.

It is submitted that variance relief can be granted in this instance without substantial detriment to the Zone Plan or Zoning Ordinance of the Borough of Hillsdale.

For the foregoing reasons, the Applicant respectfully requests that variance relief be granted.

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)

October 31, 2023

Bruce E. Whitaker Esq.
245 E. Main St. P.O. Box 379
Ramsey, NJ 07465

Re: Proposed Addition
59 Central Ave.
Hillsdale, NJ 07642
Block 1401 Lot 10 Zone R-4

Mr. Whitaker,

The application for the addition at 59 Central Ave. Hillsdale, NJ is *denied* for the following.

C1 Variances

1. Plans indicate a building coverage of 1975.0 sq ft (26.3%) where 25% is allowed.
2. Plans indicate an impervious coverage 3017.8 sq ft. (40.2 %) where 30% is allowed.

D4 Variance

1. Plans indicate a gross floor area of 2649.0 sq ft. (35.3%) where 35% is allowed.

Existing Conditions:

1. Side yard setback of 5.8ft where 10ft is required.
2. Front yard setback 16.5 ft where 30ft is required. (Porch is included since the primary structure does not meet the setback of 30ft.)
3. Garage front and side yard setback of 2ft each where 10ft is required. (No height indicated on plans.)
4. Impervious Coverage of 31.3% where 30% allowed.

This denial may be appealed to the Hillsdale Zoning Board 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: Tonya Janeiro by E-Mail
Planning Board Secretary

CC: Mary Williams by E-Mail
Building Department