

**MINUTES OF THE APRIL 25, 2017 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: F. Franco, M. Kates, Z. Horvath, E. Alter, L. Calabria
Chairman M. Giancarlo, E. Lichtstein

MEMBERS ABSENT: Councilman F. Pizzella, Mayor D. Frank, Vice Chairwoman J. Miano
G. Biener

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney
Christopher Statile, P.E., Board Engineer
Caitlin Chadwick, Deputy Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:33pm.

OPEN TO PUBLIC (for matters not on the Agenda):

Kevin O'Brien of 61 Park View Drive, Hillsdale spoke about various concerns.

MINUTES:

The *April 13, 2017 Meeting Minutes* were approved by the Board, with edits.

RESOLUTIONS:

Resolution No. 2017-08; 560 Piermont Ave. LLC; Block 1208, Lot 1; 560 Piermont Ave.

Approval of use "d" variance application to continue the nonconforming use of the property for parking commercial vehicles

David Lafferty, Esq. of Huntington Bailey, filling in for Holly Schepisi, Esq., requested the Board consider the revisions to paragraphs 27 and 28 which were proposed by Ms. Schepisi, and incorporate them into the existing resolution. Mr. Lafferty stated these revisions are being proposed due to clarification issues and not in an attempt to change the merits or substance of what the Board approved in any way. The Board discussed and deliberated this matter. Dr. Lichtstein made a motion to approve the resolution without Ms. Schepisi's proposed revisions. The Board was polled and all voting members were in favor of the motion. The motion passed and the memorializing resolution approved without any revisions.

Resolution No. 2017-09; 305 Patterson St., LLC; Block 1212, Lots 15 & 16; Esplanade & Patterson St. "Preserve at Hillsdale"

Approval of Major Site Plan with Use Variance application for new 40 multi-family housing complex in Industrial Zone

Mr. Horvath made a motion to approve this resolution, seconded by Mr. Alter. The Board was polled and the resolution approved.

PUBLIC HEARING:

Danielle DeVincenzo; Block 2201, Lot 13; 190 Ruckman Road

Application for "a" variance to appeal decision of an Administrative Officer

Counsel for Applicant – Harold Ritvo, Esq.

Board Attorney Nabbie informed the Board of the nature of this application, stating that Ms. DeVincenzo applied for a permit to construct a porch on her home and the Hillsdale Zoning Official directed her to see the Board.

Dr. Lichtstein recused himself at this time due to his relationship with the applicant. Mr. Alter informed the Board of his past working relationship with Mr. Ritvo and opined he does not have a conflict of interest but asked Ms. Nabbie and Mr. Ritvo their opinions. Ms. Nabbie and Mr. Ritvo stated they do not see any conflict.

Mr. Ritvo stated this application is not for seeking a variance but rather it is an appeal, and a legal disagreement and a decision must be made. Mr. Ritvo also stated he does not intent to criticize anyone, only to make a record.

At this time, Board Engineer Statile was sworn in.

Mr. Ritvo called his first witness, Frank Troia of Plan Architecture. Mr. Troia is not a licensed architect, but holds a Bachelor's Degree in Architecture and is the project manager who has handled this project since receipt of Mr. Merlino's letter of denial. Mr. Troia was accepted as a fact witness. Mr. Troia testified that Ms. DeVincenzo's application was first submitted to the Borough earlier this year and he was told by the contractor, Michael Elayan, that it was approved. Mr. Troia's office received Mr. Statile's review letter regarding the applicant's soil movement permit.

There was then a discussion regarding front setbacks at the subject property location. It was confirmed the applicant seeks to construct a second story addition off the rear of the existing dwelling, and proposes to add a patio and front porch. It was confirmed this is a non-conforming flag lot and its frontage is 20 ft. wide and will remain such. The F.A.R. will change but will remain in conformance with Borough ordinance.

At this time the meeting was opened to the public. As no one wished to speak, the meeting was closed to the public. Mr. Ritvo stated no public notice was required for this appeal. Ms. Calabria asked how it was conveyed to Mr. Troia that there was an issue; Mr. Troia responded Michael Elayan conveyed it to him. Ms. Calabria asked who informed Mr. Elayan of the issue and Mr. Troia did not know.

The Board went into a short recess at this time. The Board returned to open session.

Mr. Ritvo referenced a 1989 case and stated the applicant is continuing an existing non-conformity. Mr. Statile stated increasing the size of the building will exacerbate the non-conformity of the lot. Mr. Alter asked how it would exacerbate the non-conformity issue. Mr. Statile spoke about the 20 ft. wide frontage of the lot and how that makes it difficult for emergency vehicles to access the home in the event of an emergency. The Board discussed and deliberated the non-conformity issue.

Ms. Nabbie advised the Board that typically they would affirm or disaffirm under an appeal application.

At this time, Danielle DeVincenzo, owner of 190 Ruckman Ave. Hillsdale was sworn in before the Board. Ms. DeVincenzo testified that she purchased the home in 2011 and has not ever made any alterations to the property. She also stated her home is 600 ft. away from the road. She testified that during a past emergency situation, the police were circling her home from the road because they couldn't find her house. Ms. DeVincenzo stated that she has not yet began construction for the addition and her loan will expire soon. It was confirmed her loan will expire in February 2018.

The Board was polled and all members voted to affirm the appeal. The appeal was granted under the condition the applicant will confirm with Hillsdale's emergency services that they will not have trouble accessing the property.

The meeting was adjourned at 9:23pm.

Respectfully submitted,

Caitlin Chadwick
Deputy Secretary