

MINUTES OF THE APRIL 9, 2015 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: J. Miano, Councilman F. Pizzella, M. Giancarlo
F. Franco, L. Calabria, Z. Horvath

MEMBERS ABSENT: E. Lichtstein, J. Traudt, G. Biener
Mayor M. Arnowitz, M. Kates

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney
Christopher P. Statile, P.E., Board Engineer
Paul Grygiel, P.P., A.I.C.P., Board Planner
Caitlin Chadwick, Deputy Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:35pm.

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

As no one wished to speak, the meeting was closed to the public.

MINUTES:

The *March 24th, 2015* meeting minutes were approved by the Board.

BILLS:

Invoices from the Board Engineer and Board Attorney were approved by the Board for payment.

RESOLUTIONS:

Resolution No. 2015-9; Kevin & Janine Tedesco; Block 1516, Lot 3; 23 Oakland Street
Approval of variance application for front yard setbacks and F.A.R. was approved by the Board.

DISCUSSION:

Definition of a "family unit"

Mr. Grygiel spoke about the definition on a memo he previously distributed to the Board. Mr. Grygiel explained to the Board that he met with Mr. Statile and Ms. Nabbie to discuss a suitable definition of "family unit" and stated that the three agreed on the fact that there is no partitioning in family units. Mr. Grygiel also outlined the difference between a boarding house or two-family house vs. an individual unit or single-family home. The topic was then opened up to the Board for discussion and all members were satisfied with the definition.

Sustainability Checklist/Guidelines

Discussion of this topic was postponed until the April 21st Planning Board meeting.

PUBLIC HEARINGS:

PZ-07-14; William Doody; Block 1208, Lot 2; 74 Prospect Place

Major site plan application with variances for change of use for subleasing & landscape vehicle parking was assigned a new public hearing date of April 21st, 2015.

PZ-08-14; William Doody; Block 1208, Lot 3; 539 Piermont Ave.

Major site plan application with variances for change of use for landscape material storage and vehicle parking was assigned a new public hearing date of April 21st, 2015.

PZ-14-14; Mike & Diane DePiero; Block 1907, Lot 5; 90 Hillsdale Ave.

Front Yard Setback Bulk Variance application for existing fence

Ms. Marissa DePiero of 90 Hillsdale Ave. was sworn in before the Board. Ms. DePiero explained that she and her husband inherited the house from her in-laws, who installed a 6 ft. high wood fence without first obtaining a permit. Ms. DePiero then provided photographs of the property which were marked as follows:

- Exhibit A-1:** View taken from driveway
- Exhibit A-2:** View taken from side yard
- Exhibit A-3:** View taken from Everdell Avenue

Ms. DePiero testified that over the summer, a letter was received from the Hillsdale Zoning Official stating the fence was non-compliant. Mr. Mike DePiero was then also sworn in before the Board and said the fence is located around their backyard/side-yard and protects the privacy of their sun room from the park across the street.

Mr. Statile suggested that the applicant add shrubbery to mitigate the high fence. Chairman Giancarlo stated that in this area of Hillsdale, many residents have a street running along both their front yard and back yard, thus creating two front yards. Mr. Statile referenced a plan from 1947 which showed the house fronting on Hillsdale Avenue was non-compliant to the 1975 zoning ordinance. Mr. Statile said the house pre-dates the ordinance and Ms. Nabbie may want to consider this in writing the resolution.

The meeting was opened to the public. As no one wished to speak, the meeting was closed to the public. Mr. Horvath made a motion to approve this application and Vice Chairwoman Calabria seconded the motion. The Board was polled and the motion passed to prepare a resolution to memorize the vote.

PZ-04-15; Richard & Andrea Napolitano; Block 106, Lot 4; 35 Glen Hook Road

Bulk Variance Application for the Construction of a one- room addition

Richard Napolitano was sworn in before the Board and stated that he and his wife moved into the ranch-style home two and a half years ago, with their twin sons, aged four. Mr. Napolitano informed the Board of the measurements of the proposed addition as well as the variances he is seeking.

Mr. Statile informed the Board that this is a straightforward application as the property is on a

corner lot, which is a hardship on the applicant. Mr. Statile further said that Mr. Napolitano is proposing to add a one-story room to the back of the home with a patio and walkway. Mr. Napolitano confirmed for Mr. Statile that he will not be making any modifications to the existing dwelling.

Photographs taken by Mr. Napolitano in early January 2015 were then marked as follows:

- Exhibit A-1:** Front of house from Glen Hook Road
- Exhibit A-2:** Side of house; closest neighbor
- Exhibit A-3:** Side of house where addition runs along setback
- Exhibit A-4:** Rear of home
- Exhibit A-5:** Rear of home; backsliders of kitchen and dining room window
- Exhibit A-6:** Rear of home from corner side of house
- Exhibit A-7:** Far corner of rear of home near driveway
- Exhibit A-8:** Side of house where addition will be; shows neighbor's house
- Exhibit A-9:** Rear of home; shed, rear play area; neighbor's home
- Exhibit A-10:** Neighbor's home (Douglas) from rear of home
- Exhibit A-11:** Corner of property

The meeting was opened to the Board for discussion. Mr. Franco asked about the garage and it was confirmed that it is a two-car garage. There was discussion regarding the shed on the property and Mr. Napolitano said the shed is an asset to him and he is not willing to remove it at this time. Mr. Napolitano further stated that he and his neighbors have a good relationship.

Mr. Albert Dattoli, R.A. of 70 Chestnut Ridge Road, Montvale was then sworn in as the architect. Mr. Statile asked Mr. Dattoli about the zoning schedule, specifically the impervious coverage of 1,078SF as it appeared in error. Mr. Dattoli said he would correct any discrepancy in the plans. The original date on the plan is January 23, 2015, revised to February 6, 2015.

It was confirmed that instead of a basement, there will be a vented crawl space. The first floor in the back of the house is four feet above grade from the foundation wall. Mr. Statile stated that the applicant should install a 1,000 gallon seepage pit, which can be tied into existing leaders if desired. Mr. Dattoli agreed.

The meeting was opened to the public and as no one wished to speak, the meeting was closed. Mr. Horvath made a motion to approve the application with condition that the applicant will install a 1,000 gallon seepage tank. Vice Chairwoman Calabria seconded the motion. The Board was polled and the motion passed to prepare a resolution to memorize the vote.

PZ-05-15; New York SMSA Limited Partnership d/b/a Verizon Wireless & Crossroads-Hillsdale Assoc.; Block 1603, Lot 2; 372 Broadway
Major Site Plan with Variances Application for wireless antennae on building

Counsel for the Applicant – Gregory Meese, Esq.

Mr. Meese opened, explaining that Verizon proposes to install just two small antennae against two sides of the Shop Rite's wall; the antennae will be painted to match the building's color. The

applicant needs a use variance since municipal ordinance only allows for antennae to be installed on municipal owned property.

Mr. Meese called his first witness, Ms. Frances Boschulte, an expert in radiofrequency performance engineering. Ms. Boschulte explained how Verizon holds four different radiofrequency bands with the FCC, and displayed for the Board a topographical map showing the proposed location of the two antennae. This map was marked as **Exhibit A-1**.

Councilman Pizzella recused himself at this time due to the use variance nature of the application.

Ms. Boschulte explained that the current Hillsdale monopole is nearing exhaustion from the large amounts of cellular traffic along the Broadway Avenue area. When the site does exhaust, the network will force the user to an older, slower network data channel. There has been a steady increase of traffic (users) on their LTE channel. The two proposed antennae will fill in for areas where RF coverage is lacking, acting as a supplement to existing area monopole coverage. The new antennae will provide overlapping coverage and become the dominant server in the immediate area relieving some usage of the nearby cell towers.

Additional documents were then marked as follows:

Exhibit A-2: LTE 700 Capacity Chart for Hillsdale (Gamma) 320°

Exhibit A-3: Dry Data showing the Hillsdale receptacle (shows footprint)

Exhibit A-4: Proposed coverage overlayed onto existing dry data

Ms. Boschulte confirmed for the Board that Verizon did investigate municipal-owned land for the installation of the antennae. The closest location was on Esplanade Street and would not be suitable for the antennae due to the lower elevation; the location would not sufficiently alleviate the usage in the Broadway area of Hillsdale. It was further confirmed that the new antennae will only service Verizon customers. Ms. Boschulte stated that the location will be monitored by the engineers and there will be one antenna on each side of Shop Rite facing along Broadway, and the antennae will cover the area like a figure eight.

Mr. Meese stated that ‘the jury is still out’ as to whether or not this is a beneficial use and he referenced the Supreme Court case of Smart vs. Fair Lawn.

The meeting was then opened to the public. Paul Kapu of 115 Legion Place, whose rear yard meets the Shop Rite property, came forward to voice concerns about poor maintenance of the Shop Rite site, including fallen trees and overgrown shrubbery. The meeting was then closed to the public, as no one else wished to speak.

The second Verizon witness was civil engineer Gary Lucas, P.E. of 1777 Century Parkway W., Bloomdale, Pennsylvania, 19422. Mr. Lucas informed the Board that the antennae will measure to about one foot by two feet, and the roof cabinets will measure two feet by three feet. Mr. Lucas also explained to the Board that Verizon will not need to install a generator on site and there will not be any noise that would disturb nearby residents. Mr. Lucas then spoke to the site plan for the antennae, sheet C1, dated March 27, 2015.

The meeting was then opened to the public and was closed to the public as no one wished to speak.

The third Verizon witness was David Karlebach, P.P. of 689 Maron Boulevard, Jersey City. Seven photographs, taken by Mr. Karlebach and showing properties adjacent to Shop Rite, were marked collectively as **Exhibit A-5**. Mr. Karlebach confirmed that installation of the antennae will not require any site clearing or tree removal. Mr. Karlebach reviewed the Supreme Court case of Smart vs. Fair Lawn, wherein the Court opined that installation of cellular antenna on existing structures by carriers who held an FCC license was a beneficial use serving the public interest. Mr. Karlebach also pointed out that the installation of the Verizon antennae will benefit everyone, not just Verizon customers, because improved cellular coverage will allow for successful communication in emergency situations. Mr. Karlebach also reviewed the most recent Hillsdale Master Plan and Re-Examination report and found no conflicts between those documents and this application.

At this time, the meeting was opened to the public and Mr. Kapu again voiced his concerns with the lack of upkeep of the site. Mr. Statile suggested Mr. Kapu to inform the Mayor and Council about the maintenance issues on the Shop Rite property. Mr. Kapu stated that he had already done so, but to no avail. The meeting was then closed to the public.

Mr. Horvath made a motion to approve this application and Vice Chairwoman Calabria seconded that motion. The Board was polled and the motion passed to prepare a resolution to memorize the vote.

The Board then discussed the two site plan applications of William Doody. Ms. Nabbie made a formal announcement that the two applications will be carried to April 21, 2015 and there will be no further notice.

Mr. Horvath asked about signage and Mr. Statile explained that if someone meets all the criteria of the Hillsdale signage ordinance, he or she does not need to come before the Planning Board prior to installing a sign.

The Board then went into closed session to discuss the 150 Magnolia Avenue pending litigation.

The Board returned from closed session with a brief explanation of the Closed Session.

The meeting was adjourned.

Respectfully submitted,

Caitlin Chadwick
Deputy Secretary