

MINUTES OF THE AUGUST 11, 2016 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Lichtstein, J. Miano, F. Franco, Mayor D. Frank, M. Kates, Z. Horvath
E. Alter, Councilman F. Pizzella, Vice Chairwoman Calabria
Chairman M. Giancarlo

MEMBERS ABSENT: G. Biener

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney
C. Statile, P.E., Board Engineer
R. Preiss, P.P., Board Planner
C. Chadwick, Deputy Board Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:40pm.

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

Kevin O'Brien of 61 Park View Drive, Hillsdale voiced his opinion regarding the Board Chairman. Mr. O'Brien addressed the Board and read from a prepared statement. Ms. Cefali had questions regarding the use of petitions with the Board which were answered by Board Attorney Nabbie as well as Mayor Frank.

MEETING MINUTES:

The *July 26, 2016 Meeting Minutes* were approved by the Board.

INVOICES:

Invoices from *C.P. Statile, P.A.* and *Gittleman, Muhlstock, Chewcaskie* were approved by the Board.

RESOLUTIONS:

Resolution No. 2016-17; Nirmal Bavalia; Block 104, Lot 11; 20 Melville Road

Approval of Use Variance for F.A.R. and Bulk 'c' Variances for front and side yard setbacks for multiple additions to existing single-family dwelling

Mr. Alter made a motion to approve this application, seconded by Mr. Horvath. Eligible Board members were polled and the application was approved.

COMPLETENESS REVIEW:

PZ-08-16; John Newell; Block 1612, Lot 5; 155 Arthur Street

Bulk 'c' Variance Application with 'd' Use Variance for proposed addition

Board Engineer Statile explained the nature of this application and stated that he is not yet ready to deem it complete however, it is likely that it will be deemed complete at the August 23, 2016 meeting.

PUBLIC HEARINGS:

PZ-05-16; Mark & Mary Zandonella; Block1412, Lot 6; 97 Stockton Street

Bulk 'c' Variance Application for fence height for new fence

Applicants' Counsel – Nancy Saccente, Esq.

Ms. Saccente represents Mr. & Mrs. Zandonella in their application to replace their six foot fence with a seven foot fence which requires a bulk variance. Ms. Saccente discussed the Zandonella's property, stating they have a triangular-shaped lot with two frontages. There are three pre-existing variance conditions on the through lot – the Floor Area Ratio (FAR), and both front yard setbacks are less than the permitted distance. The applicants are seeking a new variance for fence height. Mrs. Zandonella was sworn in to testify and explained that she and her husband have no privacy in their yard or home due to the lot's two frontages and close proximity to the roadways. The Zandonellas have resided at 97 Stockton for 28 years and previously installed noise reduction windows. Mrs. Zandonella stated that she and her husband have issues with light from cars' headlights entering their home on a regular basis, garbage and debris entering their yard from the roadway, noise pollution from the roadway, and wildlife entering their yard. Mrs. Zandonella explained that the fence she is proposing to install is a heavy gauge vinyl fence which will help with both noise and light pollution; the fence will be solid, colored a light gray with white posts and white trim without any latticework. Documents were marked into evidence as follows:

Exhibit A-1: Survey of 97 Stockton Street dated 3/30/16 by Koestner Associates

Exhibit A-2: Seven photographs of the fence, property, and roadway, taken Spring 2016

Exhibit A-3: Spec/Material Sheet for Proposed Fence

Vice Chairwoman Calabria and Mr. Alter asked Board Engineer Statile if there are visibility issues with a seven foot fence; Mr. Statile stated visibility issues may arise for the Zandonellas with entering and exiting their driveway, but drivers on the roadway will not have visibility issues as a result of this seven foot fence. Mr. Alter asked if both sides of the fence are the same; Mrs. Zandonella confirmed they are, as the fence is flat. Ms. Kates asked Mr. Statile how the applicant could mitigate the height of the fence and if landscaping was an option. Mrs. Zandonella stated she previously planted trees outside the fence but some were stolen and the remaining trees were killed by rock salt during the winter. Mr. Statile suggested planting trees inside the fence area and Mrs. Zandonella stated that would offer less room in her yard due to the triangular shape of the lot. Mayor Frank asked when the home was built and Mrs. Zandonella confirmed 1955; Mayor Frank stated that the amount of traffic on Kinderkamack Road has increased in recent years and he can understand the need for a seven foot fence on this property. Councilman Pizzella asked Ms. Nabbie if approving this application will set a precedence for the Board to approve future applications for seven foot fencing and Ms. Nabbie confirmed it will not set a precedence, as each application must stand on its own merits.

At this time the meeting was opened to the public. Marie Hanlon of 115 Kinderkamack Road, Hillsdale stated that she lives across the street from the applicants and explained that their fence is falling apart and agrees they need a new fence. She stated that she also receives debris in her yard from the roadway, but her backyard offers privacy while theirs does not. As no one else wished to speak on this matter, the meeting was closed to the public.

Mr. Horvath made a motion to approve this application, seconded by Councilman Pizzella. The Board was polled. As all members voted in the affirmative, the application was approved.

At 8:25pm, the Board announced a recess in order to go into Closed Session to discuss personnel matters. At 8:51pm, the Board returned to Open Session wherein Ms. Nabbie announced that no formal action was taken by the Board during Closed Session.

PZ-08-12; 305 Patterson St., LLC; Block 1212, Lots 15 & 16; Esplanade & Patterson St. Major subdivision & site plan with Use Variance application for new 49 multi-family housing complex in Industrial Zone

Applicant's Counsel – Ira Weiner, Esq.

The public hearing was opened with acting Board Planner Richard Preiss, P.P. reviewing the planning aspects of the application, as well as affordable housing and how it relates to the application. The Board hereafter had an opportunity for questions and comments. The meeting was then opened to the public. Marisa Cefali, 6 Manson Place, Hillsdale, asked why the proposed multi-family housing would be a better transition than single-family homes. Mr. Preiss said that the property is shallow and has environmental constraints; furthermore, multi-family directly adjacent to residential is better than the permitted industrial uses directly adjacent to residential properties.

Mark Van Lauder, 15 Lake Drive, Hillsdale, asked about trucks (if were used for permitted industrial use) and traffic on site in connection with visibility on Lake Road (Patterson Street). Anthony Morale, 325 Patterson Street, Hillsdale had comments and questions regarding design and site logistics. Kevin O'Sullivan, 26 Lake Drive, Hillsdale asked questions related to the affordable housing component. Kevin O'Brien, 61 Park View Drive, Hillsdale, asked questions related to the straightening of the road and Mr. Preiss referred him to Board Engineer Statile. Mr. O'Brien also asked Mr. Preiss about Mr. Steck's credibility on certain matters and Mr. Preiss clarified that he disagreed with a few of Mr. Steck's arguments, however Mr. Steck was a credible witness. These opinions included the 50% open space allocation on the tract, which Mr. Preiss explained would be designated as open space regardless due to wetlands; the substantial hardship criteria, and Mr. Steck's opinion that the Master Plan is inconsistent.

Kathleen Mallet, 34 Lake Drive, Hillsdale asked questions related to affordable housing. Mr. Preiss confirmed this is inclusionary housing, where 15% of the units will be designated for affordable housing and the remaining 85% will be market rate units. Donna Kamfor, 28 Esplanade Drive, Hillsdale, also asked questions related to affordable housing. Ed Mateo, 1 Esplanade Drive, Hillsdale asked about "builders remedy" legal action in relation to affordable housing and inquired how realistic it is; Board Attorney Nabbie confirmed it is very realistic and that affordable housing had to be addressed. Andrea Matthews, 85 Ralph Ave, Hillsdale asked if a traffic feasibility study was performed and Mr. Statile confirmed that a study was performed about a year ago and proved feasible. At this time, the meeting was closed to the public.

Mr. Weiner stated that he does not believe he will be calling any more witnesses for this application, however, he may have some short testimony to provide to the Board. Mr. Weiner extended the time for the Board to act until October 13, 2016 at 7:30pm. Ms. Nabbie announced that this application will be carried to October 13, 2016 at 7:30pm and no further notice will be provided to the public.

Mr. Don McLaughlin, Counsel for the Hillsdale-Westwood Flood Solution Group, stepped forward at this time wishing to offer a procedural comment. Mr. McLaughlin said he has concerns about stormwater runoff and that the detention system is significantly underdesigned. Mr. McLaughlin opined that because this is a flood sensitive area, he requests that the Board consider the fact that they stand between this project and additional downstream flooding. Mr. McLaughlin asked the Board if the owner of the property can provide a witness to address these flooding concerns. Mr. Weiner stated no, as the engineering witness already testified to these matters. Mr. Weiner suggested Mr. McLaughlin speak to the Board Engineer about any flooding concerns he may have and he would be happy to address any design issues. Ms. Kates asked Mr. McLaughlin if he listened to recordings from previous public hearings on this application and Mr. McLaughlin confirmed he did not. The Board recommended he ask the Deputy Secretary to provide him with audio copies of the past public hearings (for engineering testimony). The board Secretary confirmed that the applicant's engineer provided testimony during the April 14, 2016 public hearing. Ms. Nabbie explained to Mr. McLaughlin that the Board has a limited time to act on this application. Mr. Statile

explained to Mr. McLaughlin that if he provides technical drainage design questions and concerns to him in advance, he will offer his professional advice the applicant.

The meeting was adjourned at 10:20pm.

Respectfully submitted,

Caitlin Chadwick
Deputy Secretary