

CHRISTOPHER P. STATILE, P.A.

PROFESSIONAL ENGINEERS AND PLANNERS
DESIGN CONSULTANTS

CPSTATILE@AOL.COM

3 FIR COURT
OAKLAND, NJ 07436
TELEPHONE (201) 337-7470
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NEW YORK

May 27, 2022

Chairman Dewey Burleson
and Members of the Planning Board
Borough of Hillsdale
380 Hillsdale Ave.
Hillsdale, NJ 07642

Regarding: **Block 105, Lot 4, Borough of Hillsdale**
79 Melville Road: Variance Application PZ 06-2022
Bindu Nair & Steven Russo: Owners & Applicants

Dear Chairman Burleson and Members of the Board:

We are in receipt of a bulk variance application, a survey, photographs and architectural drawings that were submitted to the Borough on April 11, 2022. The architectural plans are prepared by William G. Severino Architect, LLC and consist of four sheets dated February 17, 2022, *revised* to May 17, 2022. The survey is prepared by Morgan Engineering & Surveying and dated December 9, 2021.

The applicant is appealing a March 8, 2022 denial letter from the Zoning Official for construction of an addition and a deck. The application is for a "c" bulk variance due to encroachment into required setbacks and for exceeding the maximum permitted impervious coverage.

General Site Description

Lot 4 consists of 15,000 (0.34 acre) and is located on the south side of Melville Road, east of the Craig Road intersection in the R-1 Zone District (minimum lot size 22,500 SF). It is improved with one-story frame ranch-style dwelling with a back concrete patio. An asphalt driveway provides access to Melville Rd. Various fencing and walkways are located on the property.

Lot 4 is substandard for Lot Area, Lot Width & Lot Frontage creating the noted variances. The existing improvements exceed the maximum permitted impervious coverage, and the dwelling encroaches into the required front, side and rear yard setbacks.

Application

The applicant proposes to construct a first level addition (217 SF) that contains a new bedroom and bathroom, as well as a kitchen expansion and a new dining room. A new 366 SF rear deck, is also proposed.

If the application is approved, the dwelling would contain three bedrooms, two bathrooms, an entranceway, living room, kitchen with breakfast nook, family room, and a dining room.

The proposed deck will encroach into the rear and side yard setbacks, and the impervious coverage is further exacerbated by the proposed improvements.

Completeness Review

The application is complete and may be scheduled for a public hearing at this time.

Zoning Review

The submitted plans include a bulk table. The following variances are required:

Proposed Variances

1. **Rear Yard Setback:** 41.88 ft. proposed vs. 50 ft. required, a difference of 8.12 ft.
2. **Side Yard Setback (west side), Single:** 10.2 ft. proposed vs. 25 ft. required, a difference of 14.8 ft.
3. **Side Yard Setbacks, Total:** 38.5 ft. proposed vs. 40 ft. required (40% of lot width), a difference of 1.5 ft.
4. **Impervious Coverage:** 37.15% proposed vs. 30% permitted, a difference of 7.15% or 1,073 SF. (Wood decks constitute 50% of impervious coverage).

Existing Variances

5. **Impervious Coverage:** 37.4% vs. 30% permitted, a difference of 7.4%.
6. **Lot Area:** 15,000 SF existing vs. 22,500 SF required, a difference of 7,500 SF.
7. **Lot Width & Frontage:** 100 ft. existing vs. 150 ft. required, a difference of 50 ft.
8. **Front Yard Setback:** 53.31 ft. existing vs. 60 ft. required, a difference of 6.69 ft.
9. **Side Yard Setback, Single:** 10.2 ft. proposed vs. 25 ft. required, a difference of 14.8 ft.
10. **Side Yard Setback, Total:** 38.5 ft. proposed vs. 50 ft. required, a difference of 11.5 ft.

11. **Impervious Coverage:** 37.4% existing vs. 30% maximum permitted, a difference of 7.4% or 1,107 SF.

General Comments

1. The bulk table must be corrected to represent correct Proposed Building Coverage with removal of the open deck. The Proposed Impervious Coverage tally must be corrected to reduce the Proposed Building Coverage for 50% of the area of the wood deck.

The combined required Side yard Setback is 40 ft. (40% of Lot Width).

2. The applicant is requesting variances in connection with a new single-story addition and deck. If a future 2nd story addition is made to the reconfigured dwelling, the Board may wish to consider addressing this potential in the current application.
3. The applicant is responsible for providing testimony in support of the bulk variance requests.

We trust these comments assist the Board members in their review of this application.

Very truly yours,

C. P. STATILE, P.A.



Christopher P. Statile, P.E.
Planning Board Engineer

CPS/mr

cc: Bindu Nair & Steven Russo, Owners and Applicants
William Severino, Architect
Dennis Francis, Esq., Attorney

1120.052

BOROUGH OF HILLSDALE PLANNING BOARD
CHECKLIST - VARIANCE APPLICATION

Applicant: Bindu Nair & Steve Russo
Address: 79 Melville Road
Block: 105 Lot: 4
Date: May 27, 2022

- A completed application form. [Obtain a form from the Building Department]
- A copy of the Land Use Officer's denial of your building permit application. This is usually the letter refusing to issue you a building permit. [Obtain this from the Building Department]
- A copy of the tax map indicating the subject property. [Obtain this from the Building Department]
- Sixteen (16) copies of the ground and typical floor plan of the existing building, and proposed additions or changes with all necessary measurements, as were submitted to the Land Use Officer.
- Sixteen (16) copies of a current property survey of the premises in question with all relevant proposed dimensions certified by a licensed Professional Engineer or Land Surveyor in the State of New Jersey. The surveyor or engineer only must show the proposed changes (i.e. new addition, deck, shed, fence) to your survey, with relevant dimensions.

The property owner or architect may not change, add or adulterate the survey in any manner. The survey should include a bulk table showing the existing and proposed zoning requirements for the subject property. All sixteen (16) copies of the survey must have a raised seal by the surveyor or engineer's signature.
- A certificate from the Tax Collector stating whether any taxes or assessments for local improvements are due or delinquent. [Obtain this from the Tax Collector]
- Submit the filing fee as required by the Hillsdale Land Use Ordinance.
- Statement of reasons for seeking the variance. [This may be a separate attachment to the application form]
- Photographs of the property in question and of all adjacent properties. The applicant's name and the property address should be marked on the photograph.

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 79 Melville Road
Tax Map Page 1 Block 105 Lot(s) 4
Dimensions Frontage 100 ft Depth 150 ft Total Area 15,000 sq/ft
Zoning District R-1

2. APPLICANT

Name Brido Nair + Steven Russo
Address 79 Melville Road, Hillsdale NJ 07642
Telephone Number 351-486-7441
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 Dennis J. Francis, Esq.
Address 37 Liberty Street, Little Ferry, NJ 07643
Telephone Number 201-440-4330 Fax Number 201-440-4335

5. APPLICANT'S ENGINEER

Name William G. Severino, AIA
Address 104 Summit Circle, Little Ferry, NJ 07643
Telephone Number 201-615-7001 Fax Number 201-329-9380

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 William G. Severino, AIA
Field of Expertise Architecture
Address 104 Summit Circle, Little Ferry, NJ 07643
Telephone Number 201-615-7001 Fax Number 201-329-9380

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) _____

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:

§ 310-55A

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

None

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).

Applicant seeks to construct an additional pool deck to the existing one-family residence which requires several bulk "e" variances

11. Have proposed lots numbers been reviewed by the Tax Assessor to determine appropriate lot and block numbers? Not Applicable

12. Are any off-tract improvements required or proposed? None

13. Is the subdivision to be filed by Deed or Plat? Not Applicable

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

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

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).

Residential Addition/Alteration Plans prepared
by William G. Severino, AIA dated 2-24-22.

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.

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.]

Name Not Applicable
Address _____
Interest _____

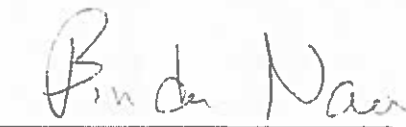
CERTIFICATIONS

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
16th day of March, 2022


NOTARY PUBLIC


SIGNATURE OF APPLICANT

TASHA PALMER
Notary Public, State of New York
Reg. No. 01PA6218123
Qualified In New York County
My Commission Expires March 1, 2026

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
16th day of March, 2022

[Signature]
 NOTARY PUBLIC

[Signature: Bindu Nair]
 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.

3-16-22
 Date

[Signature: Bindu Nair]
 SIGNATURE OF APPLICANT

To be completed by the Deputy Secretary only.

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

TASHA PALMER
 Notary Public, State of New York
 Reg. No. 01PA6218123
 Qualified in New York County
 My Commission Expires March 1, 2026

STATEMENT OF REASONS

Applicant is seeking the following variances:

- (1) Variance as to a total side yard setback in the R-1 Zone which requires a minimum of 50 feet. The total side yard setback currently is 38.5 feet. This is an existing non-conformity and will not be changed due to the proposed construction.
- (2) Variance as to a side yard setback in the R-1 Zone which requires a minimum of 25 feet. The side yard setback currently is 10.2 feet. This is an existing non-conformity and will not be changed due to the proposed construction.
- (3) Variance as to a rear yard setback in the R-1 Zone which requires a minimum of 50 feet. The rear yard setback currently is 54.56 feet. The proposed construction reduces the rear yard setback to 41.88 feet.
- (4) Variance as to maximum impervious coverage in the R-1 Zone which allows for a maximum lot coverage of 30% (4,500 square feet). The existing lot coverage is 37.4% which is an existing non-conformity. The proposed construction increases the maximum impervious coverage to 38.37%.

Reasons why variances are being sought:

- (1) The reason why the foregoing variances are being sought by the applicant is because the applicant wants to expand the existing one-family residence by adding a rear yard deck as well as a rear yard single story addition measuring 217 square feet. The proposed 217 square foot area will accommodate an additional bedroom to the existing 2-bedroom residence. As a result the existing non-conforming nature of the residence on the existing lot, the foregoing necessitates the request for a total side yard setback variance, the side yard setback variance as well as the maximum impervious coverage variance.
- (2) The proposed expansion of the existing residence to the rear to add a deck and an additional room measuring 217 square feet to accommodate an additional bedroom to the residence will expand create a new rear yard variance, however, the benefits of adding an additional bedroom as well as an outdoor deck far outweigh the determinate of the granting of the rear yard variance.
- (3) Two (2) of the four (4) variances that are being sought are pre-existing non-conforming conditions and the proposed development is in no way expanding or intensifying the non-conformity.
- (4) The variances which are being requested can be granted under N.J.S.A. 40:55D-70(c)(1) in so much as the size of the lot and current layout of the residence dictates the applicant having to request the variances to allow for an expansion of the residence to the rear. Applicant asserts that the lot size and the layout of the residence on the lot has created an undue hardship on the applicant to meet the requirements of the zoning code. Additionally, the applicant asserts that the application will advance the purposes of the Municipal Land Use Law, that the variances can be granted without substantial detriment to the public good, that the benefits of the deviations would substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.



Kelly A. Lombardi
Tax Collector

380 Hillsdale Avenue
Hillsdale, New Jersey 07642
201-666-4800 (main)
201-497-1501 (direct)
klombardi@hillsdalenj.org

CERTIFICATION OF TAXES & ASSESSMENTS

Date: March 16, 2022

Block: 105 Lot: 4

Property Location: 79 Melville Road

I, Kelly A. Lombardi, Tax Collector for the Borough of Hillsdale, do hereby certify that all taxes due on the property above are paid current, and there are no delinquent taxes, tax liens or assessments for improvements on this property, to the best of my knowledge as of the date of this letter.

Kelly A. Lombardi
Kelly A. Lombardi, CMFO, CTC, QPA

3-16-22
Date

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@hillsdatenj.org

March 8, 2022

Bindu Nair / Steven Russo
79 Melville Rd.
Hillsdale, NJ 07642
Block 105 Lot 4 Zone R-1

Re: proposed addition

Bindu & Steven,

Your application for the addition and deck is denied for the following.

1. Submitted site plan shows a proposed total side yard set of 38.5ft where 50.0 ft is required.
2. Side yard set back of 10.2ft where 25.0ft is required.
3. Rear yard set back of 40.56ft where 50.0ft is required.
4. Impervious coverage of 38.37% (5756 SF) where 30.0% (4500 SF) is allowed.

§ 310-55 Regulations applicable to all districts.

[Amended 12-13-1977 by Ord. 77-14; 7-10-1990 by Ord. No. 90-10]

Except as hereinafter provided, the following general regulations shall apply in all districts:

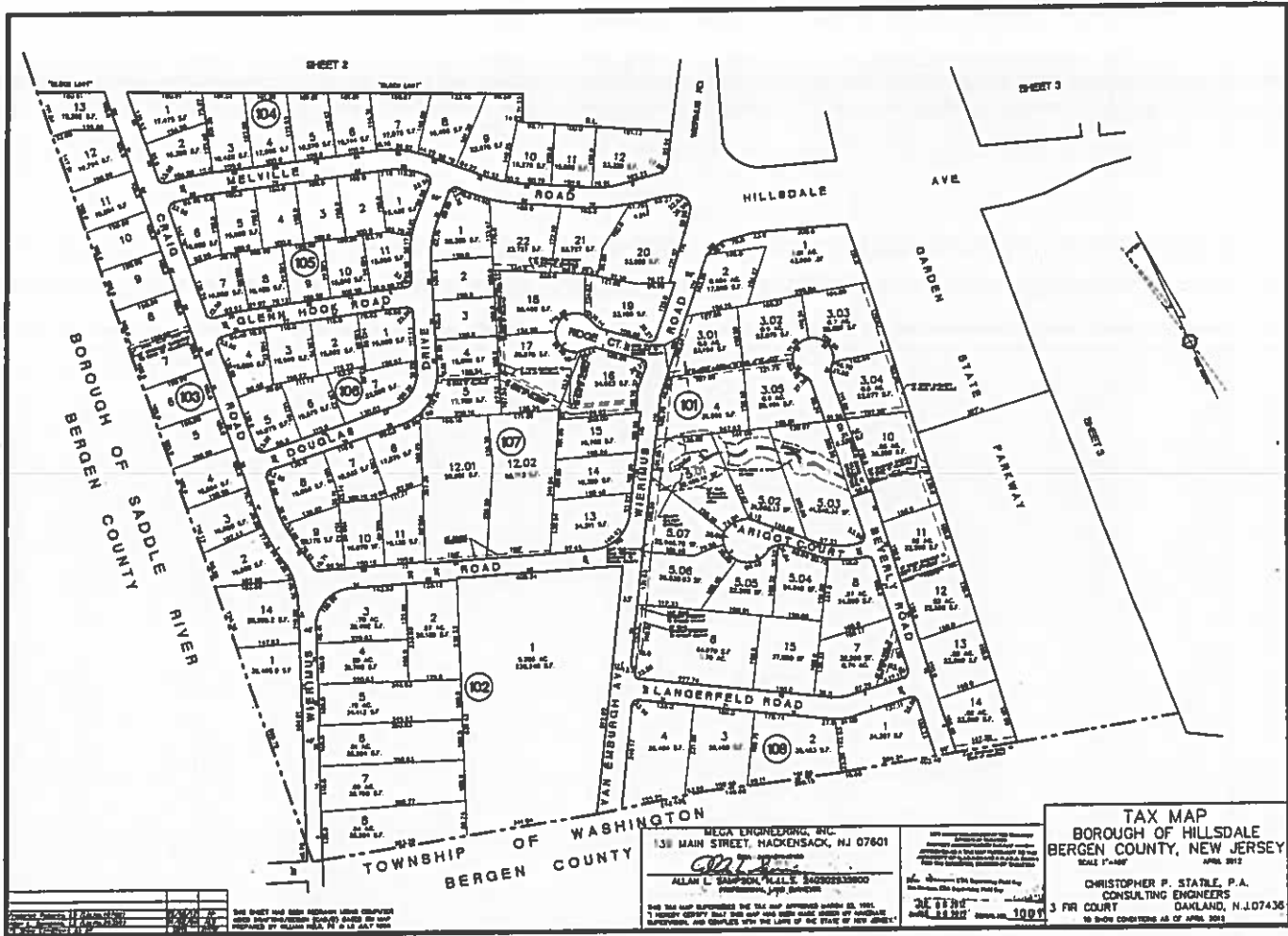
A.

General. No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, unless it shall conform to the requirements of this chapter. No land shall be used for any purpose other than for a permitted use under this chapter and in conformity with the requirements of the Schedule of Uses and Requirements.¹¹¹ No yard or other required open space contiguous to any building shall be encroached upon or reduced in any manner, except in conformity to the setbacks, lot area, building location, percentage of lot coverage, off-street parking space and all other regulations designated in the said Schedule and this chapter for the district in which it is located. Any unlawful encroachment or reduction shall constitute a violation of this chapter, and any building permit, use permit and any other permit granted therefor shall, upon determination of such violation, be void.

This denial may be appealed to the Hillsdale Planning 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



1	2	3	4	5	6	7	8	9	10
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51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

THIS SHEET HAS BEEN REPRODUCED FROM THE ORIGINAL RECORDS OF THE COUNTY ENGINEER. THE COUNTY ENGINEER HAS REVIEWED THIS SHEET AND HAS FOUND IT TO BE CORRECT AND COMPLETE. THE COUNTY ENGINEER'S OFFICE IS LOCATED AT 100 MAIN STREET, HACKENSACK, N.J. 07601.

DECCA ENGINEERING, INC.
138 MAIN STREET, HACKENSACK, NJ 07601
ALLAN L. SANDSON, P.E. 84020253800
PHOTOGRAPHIC SURVEYING

THIS MAP WAS PREPARED BY THE COUNTY ENGINEER'S OFFICE UNDER THE SUPERVISION OF THE COUNTY ENGINEER. THE COUNTY ENGINEER'S OFFICE IS LOCATED AT 100 MAIN STREET, HACKENSACK, N.J. 07601.

TAX MAP
BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
SCALE 1"=100'
APRIL 2012
CHRISTOPHER P. STATLE, P.A.
CONSULTING ENGINEERS
3 FR COURT
DANLOND, N.J. 07436
NO SHOW CONDITIONS AS OF APRIL 2012







