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NEW YORK, NY

July 21, 2022

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

Regarding: **Block 407, Lot 8, Borough of Hillsdale**
5 Orchard Lane: Variance Application PZ-01-22
John & Ioanna Moraitis: Applicants and Owners

Dear Chairman Burluson and Members of the Board:

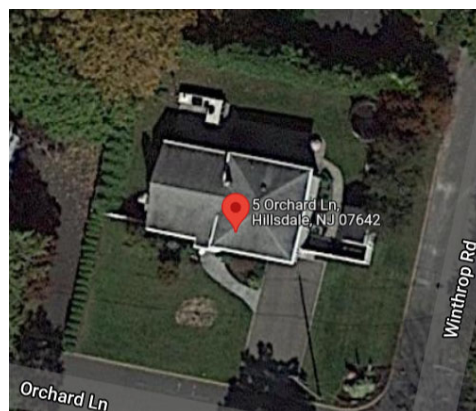
We are in receipt of a bulk variance application, survey, an architectural plan and photographs of the subject property submitted to the Borough on January 25, 2022. The architectural plan consists of one sheet prepared by Joseph M. Donato, AIA, dated November 17, 2021. The survey is prepared by D.P. Sweeney & Associates Inc. and dated August 23, 2012.

The applicant proposes to construct a garage that will be attached to the existing dwelling and garage. The applicant is appealing a December 7, 2021 denial letter from the Zoning Official. The application is for “c” (bulk) variances due to the proposed garage encroaching into the required setback area. The existing and proposed improvements will also exceed the permitted impervious coverage.

General Site Description

Lot 8 of consists of 10,365 AF (0.24 acre) and is located on the northern corner of the Orchard Lane/Winthrop Rd. intersection in the R-2 Zone District (minimum lot size 15,000 SF). The lot is improved with a split-level frame dwelling with rear wood deck and patio. A paved drive provides access to the dwelling from Orchard Lane. Various fencing exists on the property. The architectural plans show a shed located on the east side of the property. The submitted survey does not show the shed.

The existing dwelling encroaches into both required front yard setback areas and the rear yard setback. The lot is nonconforming for Lot Area and Lot Depth. In addition, the existing improvements exceed the maximum permitted Impervious Coverage.



Application

The applicant proposes to construct a single-story garage addition on the dwelling's east side (the side closest to Winthrop Road). The addition contains approximately 330 SF and consists of a garage (264 SF) and a roofed back porch (69 SF). A 180 SF driveway widening/extension is proposed to access the new garage door. The applicant also proposes to relocate a shed on the east side of the property to the northwestern property corner.

The proposed improvements exceed the maximum permitted Impervious Coverage and the addition encroaches into the required setback area.

Completeness Review

The application can be deemed complete and scheduled for a public hearing at this time.

Zoning Review

The architectural plans include a bulk table. The property is a corner lot with two frontages and two required front yard setback areas. The following variances are required:

Proposed Variances

1. **Impervious Coverage:** 36.58% proposed vs. 30% maximum, a difference of 6.38% or 661 SF.
2. **Front Yard Setback (Orchard Lane):** 39.7 ft. proposed vs. 50 ft. required, a difference of 10.3 ft.
3. **Front Yard Setback (Winthrop Road):** 14 ft. proposed vs. 50 ft. required, a difference of 36 ft.
4. **Rear Yard Setback:** 37.63 ft. proposed vs. 50 ft. required, a difference of 12.37.

Existing Variances

5. **Lot Area:** 10,365 SF existing vs. 15,000 SF required, a difference of 4,635 SF.
6. **Lot Depth:** 105 ft. existing vs. 150 ft. existing, a difference of 45 ft.
7. **Rear Yard Setback:** 37.63 ft. existing vs. 50 ft. required, a difference of 12.37 ft.
8. **Front Yard Setback, Orchard Lane.:** 39.7 ft. existing vs. 50 ft. required, a difference of 10.3 ft.
9. **Front Yard Setback, Winthrop Road:** 26 ft. existing vs. 50 ft. required, a difference of 14 ft.
10. **6 ft. high fence in front yard space (incl. top lattice), Winthrop Road.**
11. **Accessory structure (shed) in front yard space, Winthrop Road.**



The existing shed is proposed to be relocated in the northwest property corner, with a 5 ft. setback from the rear and side lot lines. In the R-2 Zone, a setback equal to its height is required. **An additional variance appears necessary for the proposed shed setbacks.**

General Comments

1. The submitted property survey is dated August 2012 and does not show the correct fence lines. A current survey is required. The submitted survey should be updated by the land surveyor.
2. The applicant is responsible for providing the required testimony for all variances. The positive and negative criteria must be satisfied for each.
3. The application includes setback and impervious coverage variance requests. Converting the driveway (existing + proposed) to pavers would reduce the Impervious Coverage by 4.6%.

4. The shed is proposed to be relocated in the northwest property corner, with only a 5 ft. setback from the rear and side lot lines. In the R-2 Zone, a setback equal to its height is required. An additional variance may be needed for the shed.
5. A zoning permit was issued on June 16, 2005 for the existing non-conforming fence.

Very truly yours,

C. P. STATILE, P.A.

(original signed)

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

CPS/mr
cc: John & Ioanna Moraitis, Owners
Dennis Francis, Esq.
1120.052

BOROUGH OF HILLSDALE PLANNING BOARD
CHECKLIST - VARIANCE APPLICATION

Applicant: John & Ioanna Moraitis
Address: 5 Orchard Lane
Block: 407 Lot: 8
Date: July 21, 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.