

June 9, 2022

Via E-Mail (mark.madaio@madaiolaw.com)

Hon. John Ruocco, Mayor
Hon. Borough Council
Borough of Hillsdale
c/o Mark Madaio, Esq., Borough Attorney
29 Legion Drive
Bergenfield, New Jersey 07621

Re: Planning Board Consistency Review – Ordinance No. 22-08
Ordinance of the Borough of Hillsdale Adopting an Amendment to the Hillsdale-Patterson Street Redevelopment Plan

Dear Mr. Madaio:

This office represents the Borough of Hillsdale Planning Board (the “Board”). At its regular meeting held on Thursday, June 9, 2022, the Board had an opportunity to review and heard a presentation on Ordinance No. 22-08 to adopt an amendment to the Hillsdale-Patterson Street Redevelopment Plan (the “Redevelopment Plan”). The Ordinance was referred to the Board for a master plan consistency review pursuant to N.J.S.A. 40A:12A-7(e).

At the June 9, 2022 meeting, the Board’s Planner, Tom Behrens PP, AICP (“Mr. Behrens”), was duly sworn and provided an opinion that most of the proposed amendments to the Redevelopment Plan in Ordinance No. 22-08 are *di minimis changes that are not inconsistent* with the Borough’s Master Plan and Reexamination Reports. However, Mr. Behrens further opined that certain provisions of Ordinance No. 22-08 that substantively amend the Redevelopment Plan are **inconsistent** with the Borough’s Master Plan and Reexamination Reports, including the following:

1. The proposed increase in maximum impervious coverage for Blocks 1210 and 1211 from 70% to 90% is contrary to the Borough’s land use goals and objectives to mitigate stormwater runoff and is contrary to the Borough’s smart growth strategy to reduce impervious coverage. In addition, the increase in maximum impervious coverage is an urbanized condition that does not support the Borough’s general redevelopment recommendations to maintain the Borough’s suburban character; and
2. Although the proposed self-storage use itself is not inconsistent with the Borough’s Master Plan and Reexamination Reports, the elimination of the buffer between industrial to residential

development does not support the Borough's general redevelopment recommendations to maintain the Borough's suburban character as same would create an urbanized condition.

Following a discussion, the Board considered and accepted the Board Planner's opinions and entertained a motion regarding the Ordinance. A motion that, on balance, Ordinance No. 22-08 is **inconsistent** with the Borough's Master Plan was made by Chairman Dewey Burluson and seconded by Edwin Alter. The motion passed by a vote of 5 to 3 with 1 alternate voting. Accordingly, the Board determined that, on balance, Ordinance No. 22-08 was inconsistent with the Borough's Master Plan and Reexamination Reports.

In addition, the Board provides the following comments and recommendations to the Borough Council regarding Ordinance No. 22-08:

1. The Board was concerned that the proposed requirement that future development only meet NJDEP Stormwater Management requirements outlined in N.J.A.C. 7:8 would not sufficiently mitigate stormwater runoff or meet the intent of the Borough's Master Plan, particularly considering that the subject Blocks presently have high impervious lot coverage. The Board recommends that the proposed maximum impervious coverage for Blocks 1210 and 1211 remain at 70% to support the Borough's land use goals and objectives to mitigate stormwater runoff and to support the Borough's smart growth strategy to reduce impervious coverage;
2. The Board recommends that the proposed self-storage use be eliminated to support the Borough's general redevelopment recommendations to maintain the Borough's suburban character. If the proposed self-storage use is to remain, the Board recommends that the buffer from industrial to residential be restored to match the Borough's underlying zoning requirements; and
3. The Board supports the setback requirement from the bank of the Pascack Brook and further recommends that the Redevelopment Plan include a requirement to provide public access to the Pascack Brook;
4. The Board was concerned with the provision that every unit over 28 units per acre constructed as part of an approved Density Bonus may be rented or sold at market rate and shall not be subject to the affordable housing set-aside percentages in this redevelopment plan. However, the Mayor confirmed that this provision complies with the Borough's Settlement with Fair Share Housing.

This letter serves as the Board's report pursuant to N.J.S.A. 40A:12A-7(e). A copy of the Resolution memorializing the Board's determination will be forwarded by the Board's Deputy Secretary at a later date. Please feel free to reach out to me if you have any questions or concerns.

Very truly yours,

/Marina V. Stinely/

MARINA V. STINELY

cc: Dewey Burluson, Chairperson
Hillsdale Planning Board
Christopher P. Statile, PE, Board Engineer
Tom Behrens PP, AICP, Board Planner
Nylema Nabbie, Esq.