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NEW YORK, NY

April 10, 2024

Chairwoman Meredith Kates
and Members of the Planning Board
Borough of Hillsdale
380 Hillsdale Ave.
Hillsdale, NJ 07642

Regarding: **Block 1517, Lot 13, Borough of Hillsdale**
32 Riverdale Street: Variance Application PZ-02-24
Michael and Fran Kanter, Applicant and Owner

Dear Chairwoman Kates and Members of the Board:

We are in receipt of a bulk variance application and survey of the subject property that were submitted on or about January 26, 2024 to the Board. An as-built survey by Koestner Associates dated October 27, 2023 unrevised has been provided.

The applicant has performed construction (patio, retaining walls, outdoor kitchen) without construction permits. The applicant is appealing a February 1, 2024 denial from the Zoning Official for multiple bulk ("c") variances.

General Site Description

Lot 13 is a conforming lot for area and consists of 7,500 (0.17 acre). It is located on the west side of Riverdale Street, between Clinton Avenue (north) and Knickerbocker Avenue (south) in the R-4 Residential Zone District (minimum lot size required 7,500 SF).

The property is improved with a split-level dwelling. A macadam driveway provides access to the dwelling from Riverdale Street. Various retaining walls exist in the rear yard. A paver patio and outdoor kitchen are located to the rear of the dwelling.

Application

The applicant has constructed a paver patio and outdoor kitchen in the rear yard without obtaining a zoning permit. The construction does not meet applicable zoning requirements.



Completeness Review

The application was reviewed against the Checklist for Variance Applications.

The application is complete to schedule a public hearing.

Zoning Review

The following variances are required:

Existing and Proposed Variances:

1. **Impervious Coverage:** 34.43% existing vs. maximum 30% allowed, or 407 SF over.
2. **Patio/Outdoor Kitchen Setback:** +/- 2 ft. existing vs. minimum of 10 ft. required.

General Comments

1. Land Use Ordinance Section 310-55.H.(5) allows “Patios, unroofed porches and unroofed decks less than four feet above finished grade which are less than 20% of the gross principle dwelling area footprint may extend into required side and rear yards but not closer than 10 feet to any lot line.” The patio/outdoor kitchen are approximately 2 ft. from the property line. The exact setback is not stated on the survey.
2. The applicant is responsible for providing the required testimony for the need for all variances. The positive and negative criteria must be satisfied.
3. Building permits for the outdoor kitchen may be required.

The variance completeness checklist is attached. We trust these review comments assist the Board in this application.

Very truly yours,

C. P. STATILE, P.A.

(original signed)

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

CPS/mr

cc: Marc Liebman, Esq.

Michael and Fran Kanter, Applicants/Property Owners

1120.052

BOROUGH OF HILLSDALE PLANNING BOARD
CHECKLIST - VARIANCE APPLICATION

Applicant: Michael & Fran Kanter
Address: 32 Riverdale Street
Block: 1517 Lot: 13
Date: February 1, 2024

- 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 photographs.