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NEW YORK, NY

October 13, 2023

Chairman Stephen Riordan
and Members of the Planning Board
Borough of Hillsdale
380 Hillsdale Ave.
Hillsdale, NJ 07642

Regarding: **Block 2002, Lot 26, Borough of Hillsdale**
6 Willow Brook Road: Variance Application PZ-04-23
Ms. Selina Ramoutar, Applicant and Owner

Dear Chairman Bureson and Members of the Board:

We are in receipt of a bulk variance application, site plan, and photographs of the subject property that were submitted on or about September 8, 2023 to the Board for review.

The applicant seeks bulk variances for existing conditions resulting from deviations from a previously approved plot plan. The approved plot plan proposed the in-ground swimming pool and pool equipment *in compliance* with applicable zoning regulations. However during construction, the pool and pool equipment were relocated, causing zoning non-conformities. The applicant is appealing an October 4, **2022** denial letter from the Zoning Official. The application is for "c" (bulk) variances due to a proposed non-conformities created by pool construction.

General Site Description

Lot 26 is a conforming lot that consists of 15,757 SF (0.36 acre). It is located on the north side of Willow Brook Road, east of Ruckman Avenue in the R-2 Residential Zone District (minimum lot size required 15,000 SF).

The property is improved with a two-story dwelling. A deck and patio are located to the rear of the dwelling. An in-ground swimming pool with surrounding paver patio are newly constructed. A macadam driveway provides access to the dwelling from Willow Brook Road.



Application

The applicant is requesting relief from conditions created during construction of an in-ground swimming pool. An approved Site Plan by Omland & Osterkorn dated May 23, 2021 shows the proposed swimming pool and pool equipment in conforming locations. However, a final inspection and review of the submitted As-Built survey dated July 18, 2022 showed the pool and equipment in non-conforming locations. The final C.O. release was withheld by the reviewing Engineer and Zoning Officer.

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 Non-Conformities:

None prior to construction.

Newly Created Non-Conformities:

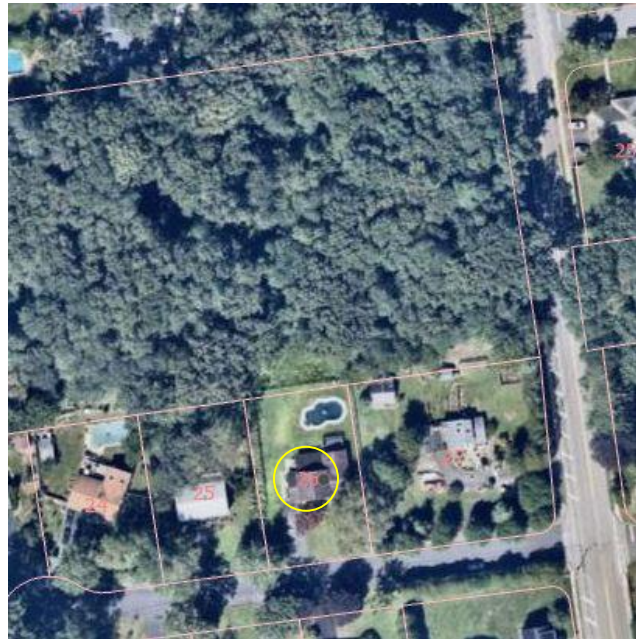
- 1. Swimming Pool Setback - 310-55.E:** 6.8 ft. (to paver patio) where a minimum of 10.0 ft. is required.
- 2. Swimming Pool Equipment Setback - 310-55.E:** 0.0 ft. where a minimum of 10.0 ft. is required.

Please note the verbiage for Section 310-55.E. states “No swimming pool shall be located nearer than 10 feet to any rear lot line or side lot line, or nearer to any street line than the principal building to which it is an accessory. The foregoing distances shall be measured from the pool water line or any portion of the above the ground structure, whichever is nearest the property line.”

As accessory to the pool, typically pool equipment setback to the side and rear property lines is required to be 10 ft. The Board may wish to render an opinion as to whether the surrounding paver patio also requires a variance.

General Comments

1. The applicant is responsible for providing the required testimony for the need for all variances. The positive and negative criteria must be satisfied.
2. The property directly to the north is owned by The County of Bergen as part of Wood Dale Park (see photo to right).



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: Nylema Nabbie, Esq.

Andrew P. Bolson, Esq., Applicant's Attorney

1120.052

BOROUGH OF HILLSDALE PLANNING BOARD
CHECKLIST - VARIANCE APPLICATION

Applicant: Ms. Selina Ramoutar
Address: 6 Willow Brook Road
Block: 2002 Lot: 26
Date: September 29, 2023

- 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.