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NEW YORK, NY

July 19, 2023

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

Regarding: **Block 704, Lot 11, Borough of Hillsdale**
79 Beech Street: Variance Application PZ-02-23
Mr. John Sayers, Applicant and Owner

Dear Chairman Bureson and Members of the Board:

We are in receipt of a bulk variance application and current survey of the subject property that were submitted to the Board for review.

The applicant seeks approval for a covering over a previously existing deck that was constructed without a zoning permit. The applicant is appealing a May 23, 2023 denial letter for the covering from the Zoning Official. The application is for "c" (bulk) variances due to non-conformities created by placing a cover over the existing deck.

General Site Description

Lot 11 is substandard and consists of 5,000 SF (0.11 acre). It is located on the west side of Beech Street, just south of Hillsdale Avenue in the R-3 Residential Zone District (minimum lot size required 10,000 SF).

The property is improved with a two-story dwelling. A shed, pavers, and deck are located behind the dwelling. A macadam driveway provides access to the dwelling from Beech Street. Additional decking and stairs are located to the south of the dwelling.

The existing rear shed is in a non-complaint location although not offset dimensions are provided. The pavers and decking also appear to be non-compliant for required offset to property lines.

Application

The applicant is requesting relief from a May 23, 2023 denial from the Zoning Official for the construction of a permanent covering over an existing deck. By covering the existing deck, the deck is now considered part of the main dwelling. This change impacts setback requirements and also impacts building and impervious coverage.

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:

1. **Lot Area:** 5,000 SF where a minimum of 10,000 ft. is required.
2. **Lot Frontage:** 50.0 ft. where a minimum of 100 ft. is required.
3. **Front Yard Setback:** 25.5 ft. where a minimum of 30.0 ft. is required.
4. **Side Yard Setback:** 9.7 ft. (to dwelling) where a minimum of 10.0 ft. is required.
5. **Impervious Coverage:** 46.7 % where a maximum of 30.0 % is allowed.

Newly Created Non-Conformities:

1. **Side Yard Setback** (to north property line): 9.7 ft. where a minimum of 10.0 ft. is required (exacerbation of pre-existing non-conformity).
2. **Rear Yard Setback:** 24.8 ft. where a minimum of 25.0 ft. is required.
3. **Impervious Coverage:** 50.3 % where a maximum of 30.0 % is allowed.
4. **Building Coverage:** 34.2 % where a maximum of 25.0 % is allowed.

General Comments

1. The lot is undersized for the zone district.
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. The applicant should provide testimony as to whether the size of the deck was changed.

If the size of the deck did not change, the pre-existing impervious coverage was non-conforming (46.7% vs. 30.0% allowed). The applicant has increased the non-conformity to 50.3%. The ordinance provides that “surfaces such as brick pavers, laid stones, slate or timber with open joints to constitute 50% of impervious surface coverage.” The covering now requires the area of the deck to constitute 100% of impervious coverage.

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.

John Sayers, Owner/Applicant

1120.052

BOROUGH OF HILLSDALE PLANNING BOARD
CHECKLIST - VARIANCE APPLICATION

Applicant: Mr. John Sayers
Address: 79 Beech Street
Block: 746 Lot: 11
Date: July 19, 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 photograph.