

**MINUTES OF THE DECEMBER 7, 2017 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: F. Franco, E. Alter, M. Kates, E. Lichtstein, S. Raymond,
Vice Chairwoman J. Miano, Chairman M. Giancarlo

MEMBERS ABSENT: Councilman Pizzella, Mayor Ruocco, L. Calabria, G. Biener

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney
C. Statile, P.E., Board Engineer
L. Leheny, P.P., Acting Board Planner
C. Chadwick, Deputy Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:30pm.

OPEN TO PUBLIC (for matters not on the Agenda):
As no one wished to speak, the meeting was closed to the public.

MINUTES:
Chairman Giancarlo announced that the *November 21, 2017 Meeting Minutes* will be voted on at the next Planning Board meeting.

INVOICES:
Invoices from Gittleman, Muhlstock & Chewcaskie were approved by the Board for payment.

PUBLIC HEARING:
*PZ-10-17; Aeon Fitness & Gymnastics; Block 1212, Lot 13; 270 Knickerbocker Ave.
Major Preliminary & Final Site Plan with Use Variance Application
Continuation from November 21, 2017 Hearing*

Counsel for the Applicant – Robert Mancinelli, Esq.

Board Engineer Statile and Acting Board Planner Leheny were sworn in.

The next witness was Joseph Bruno of 29 Pascack Road, Park Ridge who was sworn in and accepted as an expert witness in architecture. Mr. Bruno reviewed the architectural aspects of the application, stating the main entrance will remain in the same location however there will be minor interior alterations made to the building, mainly in the gymnasium with new painting, new lighting, new HVAC, etc. Mr. Bruno also reviewed the number of tenant spaces for the building, and the building's square footage.

Mr. Statile asked if the overhead garage doors are steel and how they are being insulated. Mr. Bruno replied they are steel and insulation of them will be addressed as the construction documents are prepared. Dr. Lichtstein asked if the building has been inspected and if the Fire Department will be reviewing this application. Mr. Alter asked if sprinklers can be required to be installed in the building. Mr. Bruno stated fire will review this as part of the building permit application process and Mr. Mancinelli stated that annually, the fire department conducts inspections of all such buildings. Mr. Franco asked when the building last underwent major alterations/construction, as he was concerned about asbestos. Owner Karen Skoglund was sworn in and testified that the last renovation was done before she owned the building, in 2007. The building was originally built in three parts, in 1950, 1970, and 1976, respectively. Ms. Skoglund stated she is not aware of whether or not there is any asbestos, however Mr. Statile and Mr. Bruno confirmed an asbestos check/inspection, including flooring/tile, will be required from the Building Department when the

applicant applies for the permit.

At this time, two documents were marked as follows:

- Exhibit A-2:** Architectural Plans “Interior Alterations” revised to 4/14/2017
- Exhibit A-3:** Summary of Floor Areas dated 6/15/2017

Mr. Raymond asked about the egress on site in relation to emergency exits and Mr. Bruno stated emergency measures such as doors and lights will occur when the applicant applies for the permit. The meeting was opened to the public at this time. As no one had any questions for Mr. Bruno, the meeting was closed to the public.

The next witness was Brigette Bogart, P.P. of 27 South Franklin Turnpike, Ramsey. Ms. Bogart stated this is an oversized lot of 6,000 square feet and the applicant will be cleaning up the back area of the lot, if approved. The Green Dog Engineering and Taxi company will remain, however the outdoor storage area will be removed from the site. At this time, a document presented by Ms. Bogart was marked as follows:

- Exhibit A-4:** “Photographs of Site” taken 12/7/2017

Ms. Bogart explained the photographs and what they depict. She also stated the parking lot will be restriped, lighting improvements will be made to the site, and the use will have no impact to the surrounding residents whatsoever, and will create a positive impact to the public good. Ms. Bogart also reviewed how the application meets the goals of the Hillsdale Master Plan as well as meets the positive and negative criteria for a “d” use variance. Acting Board Planner Leheny reminded the Board that this is a “d2” variance therefore the criteria are different from a “d1” variance; aesthetics can be the special reason used to meet positive criteria requirements. Ms. Leheny also referenced relevant case law pertaining to positive criteria for such a variance. Ms. Leheny had no further questions for the witness. Board Engineer Statile passed out photographs he took of the site in 2001 and stated he believes progress is being made since 2001 and these photos are of the industrial use of the site. Mr. Statile had no further questions for the witness.

The Board discussed the multi-family housing units which will soon be built across the street from this site. Ms. Kates stated as this would be an amended use, what would the Board call the use if they decided to approve it. Suggestions were made to amend the use specifically to include the word “school” or “gymnastics school.” Ms. Leheny stated the term “recreation” is vague and maybe a term such as “commercial active recreation” would be more sufficient.

At this time, the meeting was opened to the public. As no one wished to speak, the meeting was subsequently closed to the public.

Mr. Mancinelli stated at this time that the applicant’s engineer, Chris Lantelme, met with Mr. Statile prior to this meeting and as a result of their meeting, some changes were marked on the plans. Although not yet formally distributed to the Board by the applicant, Mr. Mancinelli stated the plans do address some of Mr. Statile’s comments and concerns and will be submitted to the Board as a condition of approval. Sean McCleelan of Lantelme, Kurens & Associates, 101 West Street, Hillsdale, was present to discuss the changes made to the plans. Mr. McCleelan stated the plan, revised 11/24/17, contains the following minor changes:

- The proposed handicapped spot has now been moved closer to the door, and the curb return has been eliminated and squared off to allow more space for the handicapped spot.
- Bollards were added by the overhead door in 3 spots for additional protection.
- One additional lighting fixture was added on the west side of the property.

Mr. Statile stated one of the purposes of his meeting with Mr. Lantelme was that he had been concerned the parking lot may need resurfacing, however it does not. Ms. Leheny had no comments. Ms. Kates thanked Mr. McCleelan for including the Board’s suggestions. Mr. Alter asked Mr. Statile if he is satisfied with the changes to the plans; Mr. Statile replied he will need to look at the revised drawing but believes he is

satisfied. Mr. McCleelan then stated the ingress and egress on site have not changed. The revised site plan was then marked as **Exhibit A5**.

The meeting was opened to the public. As no one wished to speak, the meeting was closed to the public.

Dr. Lichtstein stated he believes the Board needs to be careful what we classify the use of the property as and choose verbiage which will allow the business owners to continue to conduct children's birthday parties on Sundays, etc. The two business owners then confirmed for the Board that they have up to five birthday parties on any given weekend, at strictly slotted times of Saturdays 1:30 – 3:00pm, Saturdays 3:30 – 5:00pm, Saturdays 5:30 – 7:00pm, Sundays 1:00 – 2:30pm, and Sundays 3:00 – 4:30pm. The birthday parties offer full use of the facility with no other clients present other than the birthday party guests. At all times, there is a maximum of 22 people allowed in the facility. The gymnastics coaches run the part, same as during regular classes, and the ratio of children to coaches is the same as during regular classes. It was further confirmed that birthday parties are only for children under 18; the facility does not host any adult parties. Furthermore, parties never overlap in time.

Conditions of approval were then discussed and reviewed between the Board and its professionals. Mr. Mancinelli stated this will be a benefit to the municipality as it will remove "eye sores" from the property, satisfies positive and negative criteria requirements, and he believes there is enough evidence for the Board to act favorably. Mr. Mancinelli also reminded the Board that five affirmative votes are required in order for the application to be approved. He also confirmed the applicant understands and agrees to the conditions of approval set forth. Ms. Nabbie requested an electronic copy of the site plan. The meeting was opened to the public a final time. As no one wished to speak, the meeting was closed to the public. Mr. Alter made a motion to approve this application with conditions, seconded by Mr. Franco. The Board was polled and the application approved.

Chairman Giancarlo then announced that Councilman Pizzella is out sick this evening and further stated the Board will open RFP's and attend to any other Board business during its meeting on December 14th.

The meeting was adjourned at 8:55pm.

Respectfully submitted,

Caitlin Chadwick
Deputy Secretary