

CHRISTOPHER P. STATILE, P.A.

PROFESSIONAL ENGINEERS & PLANNERS
CONSULTING ENGINEERS

CPSTATILE@AOL.COM

3 FIR COURT
OAKLAND, NJ 07430
(201) 337-7470
FAX: (201) 337-7599

NEW YORK, NY

April 7, 2021

Chairman Dewey Burluson
and Members of the Planning Board
Borough of Hillsdale
380 Hillsdale Ave.
Hillsdale, NJ 07642

Regarding: **Block 1405, Lot 1, Borough of Hillsdale**
178 Magnolia Ave.: Variance Application PZ-04-21
Sergey Dvoynos: Applicants and Owners

Dear Chairman Burluson and Members of the Board:

We are in receipt of a variance application, survey, photographs of the subject property and architectural drawings submitted to the Borough on March 30, 2021. The architectural plans are prepared by John Bryjak Architect, LLC and consist of five sheets dated February 3, 2021. The survey is prepared by Lantelme, Kurens & Associates, PC and dated January 7, 2021.

The applicant proposes to renovate the first and second levels of the dwelling, and finish the attic space so that it is habitable. The applicant is appealing a February 9, 2021 denial letter from the Zoning Official. The application appears to be for both a "c" (bulk) and "d" (use) variances due to the proposed improvements exceeding the Floor Area Ratio (F.A.R.) and other coverages.

General Site Description

Substandard Lot 1 consists of 3,740 SF (0.086 acre) and is located on the southeastern corner of the Magnolia Ave./Conklin Ave. intersection in the R-4 Zone District (minimum lot size 7,500 SF). The lot is improved with a 2½ story frame and stucco dwelling that fronts on Magnolia Ave. The dwelling has a front wraparound porch. A detached frame and stucco garage is located in the southeastern property corner. Access to the garage and the property is from a concrete driveway off of Conklin Ave. Various walkways and concrete areas exist on the lot.

The property is substandard for lot area, lot width and lot frontage. The existing dwelling encroaches into both front yard setbacks and the side yard setback. The improvements on the lot exceed the maximum permitted building coverage, impervious coverage and Floor Area Ratio (F.A.R.). Finally, the house exceeds the maximum permitted building height.

Application

The applicant proposes to renovate the entire dwelling, including making the attic habitable living space. The attic, after construction, would contain approximately 205 SF (over 7 ft. clear from floor). Floor area below 7 ft. clear in not included in the FAR computation per Section 310-4 “Definitions.” The attic will contain a bedroom, bathroom, office and hallway.

In addition, the existing mud room will be removed and a 20 SF back porch or deck will be constructed in its place. The applicant also proposes to remove the detached garage (reduces FAR) and expand the existing driveway by approximately 270 SF.

If the variance application is approved, after construction, the dwelling would contain a workshop, open unidentified space and a bathroom in the basement; a kitchen, dining room, mud room, foyer, living room, and half bathroom on the first level; two bedrooms, two bathrooms and a laundry area on the second level; and an office, bathroom and bedroom in the attic space.

The proposed improvements will exceed the maximum permitted Floor Area Ratio (F.A.R.) and other coverages. Therefore, the Mayor and Council representative must recuse themselves from the application.

Completeness Review

The application was reviewed against the Checklist for Variance Applications. The application is complete and can be scheduled for a public hearing with correction to the bulk table (see below).

Zoning Review

The architectural plans include a bulk table. The following variances are required:

Proposed Variances

1. **Impervious Coverage:** 51.31% proposed vs. 30% maximum permitted, a difference of 21.31%.
2. **Building Coverage:** 27.29% proposed vs. 25% maximum permitted, a difference of 2.29%.
3. **Floor Area Ratio:** 52.45% proposed vs. 35% maximum permitted, a difference of 17.45%.
4. **Deck Setback:** Decks are not permitted in the Front Yard Setback. The proposed deck is set back 5.4 ft. from the Conklin Ave. property line vs. 30 ft. front yard setback required. (missing from Bulk Table)
5. **HVAC Units within Conklin Avenue Setback:** 1.4 ft. proposed vs. 30 ft. required. (missing from Bulk Table)

Existing Variances

6. **Lot Area:** 3,740 SF existing vs. 7,500 SF required, a difference of 3,760 SF.
7. **Lot Width:** 34.79 ft. existing vs. 75 ft. required, a difference of 40.21 ft.
8. **Lot Frontage:** 35.54 ft. existing vs. 75 ft. required, a difference of 39.46 ft.
9. **Building Coverage:** 33.93% existing vs. 25% maximum permitted, a difference of 8.93%.
10. **Impervious Coverage:** 51.33% existing vs. 30% maximum permitted, a difference of 21.33%.
11. **Floor Area Ratio (F.A.R.):** 54.14% vs. 35% maximum permitted, a difference of 19.14%.
12. **Building Height:** 33.76 ft. existing vs. 33 ft. maximum permitted, a difference of 0.76 ft.
13. **Front Yard Setback, Magnolia Ave.:** 16.26 ft. existing vs. 30 ft. required, a difference of 13.74 ft.
14. **Front Yard Setback, Conklin Ave.:** 2.16 ft. existing vs. 30 ft. required, a difference of 27.84 ft.
15. **Side Yard Setback.:** 2.9 ft. existing vs. **10 ft. required**, a difference of 7.1 ft. The bulk table indicates a required Side Yard Setback of 10.44 ft., which is incorrect and should be revised (only one sideyard).

General Comments

1. The applicant is responsible for providing the required testimony for all proposed variances. The positive and negative criteria must be satisfied.
2. The application includes coverage, setback and F.A.R. variance requests for an undersized lot.
3. The applicant should explain the contemplated use of the space in the basement, which contains a full bathroom.

4. With the removal of the garage, it appears that the applicant would be parking all cars on the concrete driveway adjacent to Lot 37 on Conklin Ave. The applicant should testify to the available space for automobile parking, as well as any potential negative impacts on the adjacent property i.e. should screening be provided since the lot is undersized.
5. The applicant submitted a photograph of the existing garage. It appears to be used for storage. The applicant should explain where they will store typical household items, i.e. lawn care items, snow removal items, sleds, bicycles, etc., when the garage is removed.
6. All sidewalks surrounding the site must be replaced where slabs or found in disrepair in the opinion of the Board Engineer.

We trust this assists the Board in the review of the subject 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.
Dean Stamos, Esq.
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