

**MINUTES OF THE FEBRUARY 13, 2019 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: E Lichtstein, E. Alter, Councilman Z. Horvath, Vice Chairwoman Miano, F. Franco, Mayor J. Ruocco, M. Kates, S. Raymond, S. Riordan, D. Burlison, Chairman M. Giancarlo

MEMBERS ABSENT: None

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney
C. Statile, P.E., Board Engineer
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:

The *January 22, 2019 Meeting Minutes* were approved by the Board.

INVOICES:

Invoices from *C.P. Statile, P.A.* were approved by the Board for payment.

RESOLUTIONS:

Resolution No. 2019-4 Appointment of Board Chairman

A motion to approve this resolution was made by Councilman Horvath and seconded by Mr. Franco. The Board was polled and the resolution approved.

Resolution No. 2019-5 Appointment of Board Vice Chairwoman

A motion to approve this resolution was made by Councilman Horvath and seconded by Mr. Alter. The Board was polled and the resolution approved.

Resolution No. 2019-6 Appointment of Board Secretary

A motion to approve this resolution was made by Councilman Horvath and seconded by Chairman Giancarlo. The Board was polled and the resolution approved.

Resolution No. 2019-7 Appointment of Board Deputy Secretary

A motion to approve this resolution was made by Councilman Horvath and seconded by Ms. Kates. The Board was polled and the resolution approved.

PUBLIC HEARING:

PZ 09-18; Block 1611, Lot 8; Kevin Donatello; 116 Oakland Street

Bulk "c" Variance Application in connection with a proposed deck to an existing dwelling

Board Engineer Statile was sworn in at this time. Applicants Kim and Kevin Donatello were also sworn in to provide testimony.

Gary Donatello, Esq. of River Vale, NJ was confirmed as the applicants' attorney. Mr. Donatello explained to the Board that the applicants purchased the property five years ago and are proposing a deck. At time of purchase, the property was out of conformance on impervious coverage and the applicants made various improvements to make the lot closer to being in conformance with same. Mr. Donatello gave a detailed description of the improvements and provided a binder of photographs and related documents marked Exhibit A.

Board Attorney Nabbie confirmed the Board has jurisdiction to act as the required notice was completed correctly.

The applicants, Kevin and Kim Donatello, lifelong residents of Hillsdale, confirmed they are seeking approval for a proposed attached deck which requires an impervious coverage variance. Mr. Donatello stated he took most of the photographs in Exhibit A. All photos were taken between 2013 and 2018. Included in Exhibit A were two surveys from May 2013 and October 2018. It was confirmed there was an in-ground pool on the property as well as pebbles and pond rocks in the front yard at the time the applicants purchased the home. Counsel stated he submitted an OPRA request on the property for copies of any and all approvals ever granted, and it yielded no records of approval for an in-ground pool. Vice Chairwoman Miano stated the pool has been located at the property since as far back as at least 2004. The applicants improved the property by filling in the in-ground pool one year ago with dirt, soil and seeding, as is procedure, and made improvements to the front of the property, effectively decreasing the amount of impervious coverage on the lot by over 30%.

Material for the proposed deck will be trek decking with a white vinyl railing, which will enclose the deck in its entirety however, there will be no overhang or roof of any kind over the deck. The deck will match the existing dwelling. The applicants also obtained surveys of neighboring properties as they wish to bring their property into conformance with the neighboring properties as well.

At this time, the meeting was opened to the public. As no one wished to speak, the meeting was closed to the public. The Board members then had the opportunity for questions and comments. Mayor Ruocco stated he believes the deck will enhance the property; Mr. Franco asked if there is a screened in porch and it was confirmed there is not, however there is a sunroom with glass windows. The only improvements being made to the sunroom are replacing the carpeting with tile flooring. Board Engineer Statile stated the stockade fence is a positive addition to the property. Mr. Burluson asked if the concrete on the property is in good shape and it was confirmed it is and will not be replaced at this time. Councilman Horvath complemented the applicants and attorney on the thorough portfolio they provided to the Board. Vice Chairwoman Miano asked if there is anything else the applicants can do to bring down the impervious coverage as it is still in 10% excess of the Borough's requirements.

The applicant's attorney stated his clients will consider replacing the concrete on site with pavers when it falls into disrepair. Additionally, landscaping buffers can be planted if necessary. It was confirmed there have been no flooding issues on the property within the five years of the applicants residing there and there have been no ill effects due to the impervious coverage being in excess of what is required. Mr. Alter asked if there is a brook that runs through the property and it was confirmed there is not. Ms. Kates asked for exact dimensions of the two sheds located on the property; the applicants and their attorney did not have the measurements. The two sheds were on site when the applicants purchased the property and they have replaced one which fell into disrepair. It was confirmed both sheds are non-conforming. One shed was used for pool equipment however the applicants now use it for storing their children's outdoor toys. The second shed is used to store yard work equipment such as snow-blower, lawn-mower, fertilizer and other tools.

The Board discussed removal of one of the sheds. Board Engineer Statile stated the one shed is built on concrete and removal of it will not affect the impervious coverage overage unless the concrete is also removed. It was suggested that the non-conforming shed which is not built on concrete be moved into a conforming location on the property. Mayor Ruocco asked what does it achieve to require the applicants move either shed when it would only subtract 0.6% off the impervious coverage overage. Chairman Giancarlo stated the Board is attempting to bring the property as close to being in conformance with the impervious coverage ordinance as possible. Mr. Alter stated he believes the Board should impose some condition of approval upon the applicant, perhaps a landscaping requirement. The possibility of requiring the applicants to replace the driveway with pavers if the asphalt or concrete ever falls into disrepair was also discussed as well as a deed restriction for enforcement of the condition. Attorney Donatello stated he needs to speak privately with his clients prior to agreement to any condition of approval.

The Board entered a brief recess at 8:20pm. The Board returned from its recess at 8:35pm. Attorney Donatello stated the applicants are not satisfied with the paver driveway, deed restriction condition of approval. The applicants also are not satisfied with the condition of approval of installing a 1,000-gallon seepage pit due to the financial toll involved with same. The applicants are both schoolteachers and have two children in day care. It was confirmed the proposed deck would add 1.6% impervious coverage to the property in a situation where the impervious coverage was previously reduced by the applicants. Further discussion occurred regarding other ways to potentially mitigate the impervious coverage issues. When discussing the various options, Board Attorney Nabbie reminded the Board of the difficulty with enforcing many of these suggested conditions of approval.

Councilman Horvath made a motion to approve this application without restrictions of any kind. The motion was seconded by Mayor Ruocco. The Board was polled and the application approved.

The Board entered Closed Session at 8:49pm to discuss redevelopment. At 9:16pm, the Board returned to Open Session. Board Attorney Nabbie stated the Board took no action during closed session.

Respectfully submitted,
Caitlin Chadwick
Deputy Secretary