

MINUTES OF THE FEBRUARY 23, 2017 PLANNING BOARD MEETING  
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Lichtstein, F. Franco, M. Kates, Z. Horvath, G. Biener,  
Chairman M. Giancarlo, Vice Chairwoman J. Miano

MEMBERS ABSENT: L. Calabria, Councilman F. Pizzella, Mayor D. Frank, E. Alter

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney  
Christopher Statile, P.E., Board Engineer  
Caitlin Chadwick, Deputy Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:40pm.

OPEN TO PUBLIC (for matters not on the Agenda):

John Leonardson, of 1 Bradshaw Court, Hillsdale spoke about concerns regarding hours of operation for the construction of the dome at Stonybrook Swim Club, and how it will be developed, and requested information regarding same. Chairman Giancarlo explained to Mr. Leonardson that Stonybrook appeared before the Board in December for a Capital Project Review. Board Attorney Nabbie explained the process and nature of capital reviews, stating it is an informal process to ensure consistency with Hillsdale's Master Plan. The Board explained to Mr. Leonardson that they recommended Stonybrook notify neighbors within 200 feet although not required. Board Engineer and Borough Engineer Statile informed Mr. Leonardson he and his staff are currently working on specifications for public bid for the Stonybrook dome.

Harold Shill and Patty Mills, of 7 Bradshaw Court, Hillsdale complimented the Planning Board on how they handled the capital review hearing in December and stated his concern regarding noise and lights. Mr. Statile explained there will be no noise or lights outside.

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

MINUTES:

The *January 24, 2017 Meeting Minutes* were approved by the Board.

INVOICES:

Invoices from *C.P. Statile, P.A.* and *Gittleman, Muhlstock & Chewcaskie, LLP* were approved by the Board for payment.

RESOLUTIONS:

*Resolution No. 2017-4 Confirmation of Appointment of Professional Board Planner*

*Resolution No. 2017-5 Bianchi Approval*

*Resolution No. 2017-6 The Nolan Partnership Approval*

These resolutions were all approved by the Board.

BOARD BUSINESS:

*Board Attorney's Memo to Planning Board re: Conflicts of Interest*

This memo would be discussed later in the evening, prior to the MacEwen application.

PUBLIC HEARINGS:

*PZ-01-17; Jack Ely Real Estate LLC; Block 1208, Lot 1; 560 Piermont Ave.*

*Use “d” Variance Application to continue the nonconforming use of the property for parking commercial vehicles*

Counsel for the Applicant – Holly Schepisi, Esq. of Huntington Bailey

Ms. Schepisi reviewed the application for the Board, stating the applicant is seeking an interpretation or variance for use and site plan approval. The site has been used as an on-site outdoor parking facility and the applicant seeks to continue using it as an on-site outdoor parking facility for commercial vehicles (passenger, recreational, heavy equipment, etc). The existing property consists of 39,415 square feet, located in the Industrial Zone. For over 50 years, the lot has been operated as a re-fueling station and parking lot, primarily for commercial vehicles, including school buses. The current owner, Jack Ely Real Estate, will be removing all the underground storage tanks, two dead trees, as well as the overhang. PSE&G will be installing a lighting fixture on site and will ensure no spillage of light occurs. Security cameras and fencing will also be installed, and aesthetic improvements made. There will also be a reduction of parking spaces.

The first witness was Eric Martin of 107 Ivy Lane, River Vale; he is principal of 560 Piermont Ave., LLC. Mr. Martin testified that he is proposing to offer a secure, safe parking area for contractors and other people wishing to rent a spot in a secured, private lot. A document showing current conditions of the site and an aerial rendering of the proposed site was marked **Exhibit A-1**. Mr. Martin described the current conditions of the site, stating there are two entrances as well as lights currently on site that are unfunctional. Mr. Martin then described what he proposes on site, including 71 parking spots, the planting of six trees, re-stripping of the parking lot, and the installation of a new fence with gates. Lease agreements for the parking spaces would be monthly and yearly, depending on the tenant’s need. Mr. Martin will offer three different sizes of parking spaces: 41 ft, 20 ft, and 32.5 ft. There would be designated, assigned spots for each tenant. Including in the lease agreement will be restrictions including no repairs, maintenance, or changing of fluids of the vehicles on site; no washing of vehicles on site; no un-registered vehicles on site.

In the center of the lot a telephone pole will be installed. It will contain four shielded, deflected lights, and a security camera. Mr. Martin intends to install three small signs – one at the western side of the lot and one at each entrance. The signs will show the LLC name as well as advertise the spots to rent and how interested parties can contact Mr. Martin. A rendering of a prospective sign was marked as **Exhibit A-2**. A rendering of a “No Trespassing” sign announcing the presence of security cameras was also marked, **Exhibit A-3**.

As Ms. Schepisi had no further questions of this witness, the Board had the opportunity for questions and comments. Chairman Giancarlo asked Mr. Martin what he would do in a situation where a vehicle on the site falls into neglect; Mr. Martin responded he would contact his attorney. Dr. Lichtstein questioned whether or not the previous use of the lot by Scholastic Bus Company is truly the same as Mr. Martin’s proposed use of the lot – commercial, for-profit parking. Ms. Schepisi confirmed this site was not the principal place of business of Scholastic. The bus company was not operating as a business out of this particular site; their business location was across the street. Scholastic did not have a business office at this location, and did not even have phones at this location (during a time before the existence of mobile phones/devices). Dr. Lichtstein also asked about the proposed fence and it was confirmed the fence will be a 6 ft. high chain link fence with fabric. It was further confirmed Mr. Martin will not be installing sidewalk.

Board Engineer Statile discussed Waste Management vehicles and how to avoid their presence on the site. Ms. Kates asked if the 400 sq. ft. overhang and fuel storage tanks will be removed and Mr. Martin confirmed they will be. Mr. Horvath asked if there is any type of vehicle Mr. Martin will not lease a parking spot to. Mr. Martin explained that any vehicle he will lease to must fit inside the parking space. Mr. Martin confirmed that there will be restrictions in the lease agreement and any breach of the lease agreement will

result in a financial penalty to the tenant. Ms. Schepisi stated there will be security cameras on site and any activity will appear on the cameras. Mr. Horvath also suggested the applicant plant more trees in addition to the six proposed. Ms. Miano requested a photograph of the fence. Mr. Martin explained the fence will be a silver galvanized fence with silver posts and a black screen. Ms. Miano also asked about Mr. Martin's business model; Mr. Martin stated there is a demand for this type of business as people are receiving summonses for parking their work vehicles at their own homes and his proposed lot will provide a safe and secure location for them to park.

Mr. Horvath asked if there is a need for a traffic report on this and Mr. Statile stated no, as the amount of traffic will probably go unchanged from when buses parked at the location. Chairman Giancarlo asked if it is within the applicant's power to tow away a vehicle which violates the lease agreement; Mr. Martin and Ms. Schepisi confirmed it is. Mr. Franco asked if anyone will do inspections of the site; Mr. Martin stated he will be present on site often and will regularly see all activity occurring. Mr. Franco also asked if there will be a shed for utilities and Mr. Martin explained that since all the utilities will be on one pole, there is no need for a utility shed. Mr. Horvath asked about snow removal on the site and it was confirmed that the applicant will continue to use the "dead spaces" of the parking lot for snow storage, as the layout of the lot will remain largely identical to its current layout. Mr. Martin will also hire a snow plowing company for snow removal.

Ms. Biener asked if this site is currently conforming as well as what the need is for the proposed electric meter and service outlet. Mr. Martin stated the need is for diesel trucks in the winter – it keeps them warm and ensures easier startup. Ms. Biener asked how many vehicles this service will be able to accommodate; Mr. Martin stated it has not yet been determined and will be based on need, and he will speak with an electrician. Ms. Kates asked about contracting vehicles and it was confirmed that there will be no overflow parking – tenants will park their personal vehicle in the leased parking spot while utilizing their work vehicle. Mr. Martin stated he is not seeking to target fleets of trucks, but is seeking to lease to mostly contractors and landscapers. Ms. Schepisi stated Mr. Martin is amenable to conditions in the event of approval.

Board Engineer Statile stated he recants his recommendation to install screening in the fence because of the complications it would create with snow removal on site. Mr. Statile explained an open chain link fence is better for snow removal situations and recommended a 2" mesh, open chain link fence with vertical slats. Concern was expressed over grass clippings remaining inside a landscaping truck during summer and creating malodor. Mr. Martin stated he can specify in the lease agreement that all landscaping trucks are empty or nearly empty prior to being parked in the lot. Mr. Statile also suggested a condition that no Waste Management vehicles be allowed on the site; Ms. Schepisi stated Mr. Martin will agree.

Dr. Lichtstein asked if bollards could be installed instead of a fence. Mr. Martin explained that the site will be more secure with the fence because it also allows for the installation of gates. Ms. Schepisi stated there can be further discussion regarding this topic with the engineer.

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

The second witness was engineer David Gleassey, P.E. of R.L. Engineering. Mr. Gleassey spoke about the engineering aspects of the application. The Site Plan for 560 Piermont Ave., LLC dated 11/8/16 rev. 1/20/17 was then marked as **Exhibit A-4**. Mr. Gleassey reviewed various aspects of the site plan, including measurements of the site. It was confirmed that the area between the curb and the property line is grass and will be maintained, and there will be no changes to the site regarding grading. The lot has three frontages. It was also confirmed that the applicant and owner will comply with NJDEP for removing the fuel storage tanks. Ms. Kates expressed concern regarding rainfall pooling and petroleum leaking into the storm drains. Mr. Gleassey stated that the grass acts minimally as a filter; the applicant could or will maintain grass area on the three frontages and establish new grass as much as possible to help filter the runoff.

Ms. Schepisi stated that the removal of the fuel tanks mitigates any real potential environmental issues on site. Ms. Kates asked if anyone will monitor the removal of the fuel tanks, as it was previously stated that EPA regulations would be followed for their removal. Mr. Gleassey confirmed that the companies certified by the State will monitor the removal and perform a first level test in order to identify if there are contaminants, if there is, they perform further testing and pinpoint location. Ms. Schepisi estimated the tanks may be as much as thirty years old, based on her research.

Mr. Horvath asked if there will be new macadam and Mr. Gleassey confirmed there are two spots which will receive new macadam – the area where the dead trees are being removed and another small piece on the south side of the lot. Furthermore, any holes dug with regard to remediation would be filled with clean fill and asphalt to bring the area “up to grade.” Once that is completed, the entire area will be coated for a uniform appearance, and striped.

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

Ms. Schepisi asked if there is anything in addition to the planning testimony that the Board requests for presentation or discussion. Dr. Lichtstein requested a sample photograph of the proposed fence. Ms. Schepisi confirmed the applicant waives the statutory time frame for the Board to act until March 9, 2017. Board Attorney Nabbie announced the application will be carried to March 9, 2017 at 7:30pm in these chambers and there will be no further notice.

Chairman Giancarlo confirmed Board Planner Preiss will submit a review in advance of the next hearing and will be present as well.

***PZ-06-16; John & Darline MacEwen; Block 1612, Lot 4; 153 Arthur St.  
F.A.R and Bulk Variance Application for a two-story addition to existing single-family dwelling***

Counsel for the Applicant – Catherine Walsh

Board Attorney Nabbie discussed conflict of interest issues and her memo regarding same, stating that it is in her professional opinion that no Board member has a conflict of interest on this application, as Mr. MacEwen ran for council five years ago. Ms. Nabbie stated if any Board member has any questions or concerns, the appropriate time to address them is now. Chairman Giancarlo recused himself at this time, as he felt he had a conflict of interest due to his work on Mr. MacEwen’s campaign in 2012. Vice Chairwoman Miano would act as Chairwoman for the remainder of the meeting.

Acting Chairwoman Miano then read a statement she previously prepared regarding why she does not have a conflict of interest on this application. Mr. Horvath and Mr. Franco also agreed with Ms. Nabbie that they did not have conflicts of interest.

Ms. Walsh called her first witness, Joe Bruno, architect, of 29 Pascack Road, Park Ridge, NJ. Mr. Bruno spoke in detail about the architectural plan and explained that the applicant is proposing an addition and seeks two variances – one for side yard setback, the other for F.A.R. The elevation would be that of a split style home and the exterior would feature colonial style trim. Mr. Bruno also referenced Mr. Statile’s review letter and addressed the concerns and comments contained in same. Documents were marked as follows:

**Exhibit A-1:** Site/Architectural Plans

**Exhibit A-2:** Photographs of the subject and surrounding properties, taken by Mr. Bruno on 2/8/17

The Board then had an opportunity to question the witness. Impervious coverage was discussed. It was also confirmed that a 250 gallon seepage tank will be installed. Mr. Horvath asked why the applicant is

proposing an addition. John MacEwen was sworn in at this time to testify. Mr. MacEwen stated an addition is necessary due to the fact that he and his wife have three children; they're proposing to expand their family room, as well as create a home-office space and a laundry room. Ms. Kates asked if the covered porch can be made smaller to conform with the F.A.R. ordinance. Mr. Bruno explained that doing this would make the porch out of proportion to the rest of the house and the applicant would be giving up aesthetics for no gain other than the measurements being closer to what the ordinance numbers are. Mr. Bruno explained that the garage was lowered to reduce the slope of the driveway, per Mr. Statile's recommendation.

At this time, the meeting was opened to the public. Allen Saslowsky, of 145 Arthur Street, Hillsdale commented that the MacEwen's are terrific next door neighbors, and so are their children, and he hopes the Board will grant them approval for their addition. Seeing as no one else wished to speak, the meeting was closed to the public.

Mr. Horvath made a motion, seconded by Dr. Lichtstein, to approve the application with conditions/recommendations previously stated which include: installation of a 250 gallon seepage tank, with engineering plans and drainage calculations; landscaping per the site plan; and a site plan provided with the soil movement application. The Board was polled and the motion passed. The application was approved.

The meeting was adjourned at 10:30pm.

Respectfully submitted,

Caitlin Chadwick  
Deputy Secretary