

**MINUTES OF THE JULY 30, 2019 PLANNING BOARD MEETING  
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: M. Kates, F. Franco, S. Riordan, D. Burleson  
Vice Chairwoman J. Miano, Chairman M. Giancarlo  
Councilman Z. Horvath, Mayor J. Ruocco

MEMBERS ABSENT: E. Lichtstein, E. Alter, S. Raymond

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

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:35pm.

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

MINUTES:  
The *July 17, 2019 Meeting Minutes* were approved by the Board.

BILLS:  
*Invoices from Cleary Giacobbe Alfieri Jacobs, LLC* were approved by the Board for payment

COMPLETENESS REVIEWS:  
*PZ-04-19; Block 1201, Lots 5-7; Built for Success; 10 Orchard Street*  
*Major Site Plan with Use & Other Variances application for two-story apartment building of 30 residential units*  
The application was deemed complete and assigned a public hearing date of September 12, 2019.

*PZ-05-19; Block 2306, Lot 3; Jeffrey & Lois Jasper; 36 Arcadia Way*  
*Bulk variance application for an addition to a single-family dwelling*  
The application was deemed complete and assigned a public hearing date of August 27, 2019.

*PZ-06-19; Block 1622, Lot 9; John & Virginia Gray; 245 Lincoln Ave.*  
*Bulk Variance application for reconstruction of an existing single-family dwelling*  
The application was deemed incomplete, as a topographic plan is required.

*PZ-07-19; Block 2306, Lot 10; Anthony DeRosa; 280 Cambridge Road*  
*Bulk Variance application for construction of an addition to a single-family dwelling and expansion of single-car garage to a two-car garage*  
The application was deemed complete and assigned a public hearing date of September 12, 2019.

Board Engineer Statile informed the Board he is currently reviewing PSE&G's application for Phase III of the substation project, and intends to deem the application complete soon. The Board assigned the application a tentative public hearing date of September 24, 2019.

Chairman Giancarlo, Councilman Horvath, and Mayor Ruocco all recused themselves at this time due to their respective potential conflicts of interest with the upcoming application being heard.

PUBLIC HEARINGS:

***PZ-02-19; Block 503, Lots 9 & 10; Patricia Brady; 105 Pascack Road  
Minor Subdivision with Bulk Variance Application***

Chairman Giancarlo, Councilman Horvath, and Mayor Ruocco all recused themselves prior to the hearing due to conflicts of interest with the application. Vice Chairwoman Miano took over as Acting Chairwoman for the duration of the meeting.

Counsel for the Applicant – Dean Stamos, Esq.

The Board Engineer, and Board Planner were both sworn in at this time.

The application was heard previously, however, was required to re-notice due to inadvertent omissions in the 200 ft. notice list received from the Tax Assessor.

Mr. Stamos informed the Board the applicant did re-notice for this evening after receiving a corrected 200 ft. notice list from the Borough. As members of the public appeared at this meeting may not have been present at the previous public hearing(s), the record was redacted and the applicant required to resolicit their testimony.

Mr. Stamos began, stating these lots were previously separate but merged under the common ownership doctrine. The applicant's intention is to construct a home on the northerly lot and live in the home. There is currently a two-story, single family home with a circular driveway on the southerly lot. If subdivided, both lots would be deficient in lot area, lot width, and require variances for same. However, there will no non-conformances in regards to the existing dwelling, and any proposed residence will also conform to the zoning ordinance.

The first witness was Sean McClellan, P.E. of Lantelme, Kurens & Associates, testifying as an expert in site engineering. Mr. McClellan presented a plan dated 11/9/18 revised to 6/7/19 which contained the updated, correct 200 ft. property owners list. He discussed the specific details of the plan, explaining same to the Board and members of the public. A stagnant, man-made pond which straddles both Brady's and Segalas's properties was discussed, specifically regarding maintenance or its removal. Mr. Stamos stated the pond is an encroachment by Mr. Segalas (northern neighbor) onto Ms. Brady's property and has no objection to elimination of the pond as a condition of approval.

Board Engineer Statile stated he requires a presence or absence of wetlands determination made by NJDEP. New homes also require seepage pits for stormwater management. An easement of 5 ft. at the front of the property line for future public improvements was also needed. The meandering fence on Mr. Segalas's side of the property was also discussed.

At this time, the meeting was opened to the public. As no one had any questions for Mr. McClellan, the meeting was closed to the public. Vice Chairwoman Miano asked Councilman Segalas if he had any questions or comments as an Objector; he replied he is now an observer, not an objector.

Mr. Statile stated the RSIS requires the applicant build a sidewalk or make a contribution in lieu of construction.

The second witness was Kathryn Gregory, P.P. who was previously qualified and accepted by the Board as an expert witness in professional planning. Documents marked into evidence included:

**Exhibit A-1:** Existing Conditions & Surrounding Neighborhood Characteristics, 105 Pascack Road, Hillsdale, NJ

**Exhibit A-2:** Streetscape, 105 Pascack Road, Hillsdale, NJ

Ms. Gregory spoke about the details of the exhibits which both included a series of photographs. She explained the applicant is seeking a total of four bulk variances in addition to minor subdivision approval. The variances are for lot area and lot width for each lot. As stated earlier, the lots did originally exist separately but were merged under common ownership. Ms. Gregory opined the reasons why the applicants should be granted the four variances, stating if approved the applicants would complete the streetscape which currently looks as though another home should be there. Furthermore, the lots were already subdivided and the applicants will not propose any bulk variances with the creation of any new home on the new lot. Lastly, Ms. Gregory stated there is no substantial detriment to the public good.

Acting Board Planner Leheny reviewed the planning review letter for the Board and Ms. Gregory, explaining items included in the letter. She stated the Board should evaluate the street pattern and whether or not it would be improved by the presence of a house on this property. Ms. Leheny continued to explain that half of these properties within the 200 ft. radius are non-conforming in terms of lot width. However, most are conforming in terms of lot size or area, with only 2 of the properties non-conforming. Ms. Leheny referenced this information in Table #1 of the planning review letter dated 6/14/2019.

Ms. Kates asked if there is a significant amount of wildlife on the vacant lot and it was confirmed this would be a question for the property owner. Smart growth development was also discussed and Ms. Gregory explained this endeavor would not be draining upon or using any of the Borough's services, as it is a lot that already has municipal services and isn't requesting any additional municipal services. Floor area ratio (F.A.R.) was also discussed. Mr. Riordan asked why the applicant cannot subdivide the property into two conforming lots. Ms. Gregory replied the applicant desires a larger rather than smaller house on the new lot and is trying to balance the lot size with the surrounding lots and their possible encroachments. She then clarified her previous statement, explaining the applicant will not necessarily construct a larger new home, however the reasoning for the size of the two proposed lots is to avoid having one conforming lot and one undersized lot. Mr. Stamos clarified it is the applicant's intention to create a home on the lot and to have the home be their primary residence. Ms. Gregory stated it is better to have two mostly conforming lots than one conforming and one 20% under-sized lot. Mr. Stamos also informed the Board there are not yet any architectural plans for the prospective new home.

At this time, the meeting was opened to the public.

Councilman Steven Segalas of 125 Pascack Road, Hillsdale asked Ms. Gregory which empirical data she looked at in her analysis of the pending application. She replied she looked at lot sizes and lot width. Councilman Segalas then asked Ms. Gregory what scientific studies were conducted; she replied none were required. Ms. Kates then asked Councilman Segalas what scientific data he feels may have been necessary. He replied that some data might be outside of the ordinary canon of the people present.

Mr. Statile discussed with Ms. Gregory the Master Plan and how it is a guidance document. Ms. Gregory stated if you promote a state development/redevelopment goal, you in turn promote the general welfare.

The meeting was again opened to the public.

Jennifer Shanley of 114 Pascack Road asked Ms. Gregory if she was aware that there is a house across the street in excess of 14,000 sq. ft. and Ms. Gregory replied no, she has no idea.

Tom Shanley, also of 114 Pascack Road was sworn in before the Board as a resident. Mr. Shanley stated he lives on a conforming lot in excess of 4,000 sq. ft. and has been a resident for five years with his wife and two children. He stated he has great concern about this project and stated he can inform Ms. Kates there is an abundance of wildlife on the vacant side of the property. He continued, stating he has paid over \$100,000 during his five-year span as a resident of Hillsdale and could have purchased his home anywhere but chose this location because he was assured there would never be anything built across the street from his home. Mr. Shanley stated he does not want to look out his window and see another home and if he does he believes it would be a detriment and decrease the value of his own property. He continued to speak, stating he is a “capitalist by nature, but not on the backs of people who actually live in their homes.” Mr. Stamos asked Mr. Shanley who assured him there would never be anything built across the street from his property and Mr. Shanley replied his real estate agent assured him of this.

Mr. Shanley continued, discussing his previous home in Park Ridge and the construction that occurred across the street from him there. It was later clarified by Mr. Stamos that was a commercial development. Mr. Stamos objected to the Board allowing Mr. Shanley to continue to testify about items which are irrelevant to the pending application.

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

Mr. Stamos gave his summary of the application.

Board Attorney Nabbie stated the Board is entitled to look at the benefits to the community as part of a c2 bulk variance. Furthermore, the Board members must state the reasons for voting on the record, regardless of which way they vote. Ms. Kates stated she is concerned about possible conditions or clarifications previously brought up by Mr. Statile and wants to be sure all are understood and properly recorded. The conditions will be addressed in the resolution, should the application be approved.

Mr. Burleson made a motion to deny the two undersized, non-conforming lots and stated he believes they do not benefit the streetscape or the Borough. Acting Chairwoman Miano seconded the motion. The Board was polled and the motion passed to deny the subdivision and variances.

The meeting was then adjourned.

Respectfully submitted,

Caitlin Ryan  
Deputy Secretary