

**MINUTES OF THE JUNE 23, 2020 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: E. Lichtstein, E. Alter, M. Kates, J. Miano, S. Raymond, S. Riordan
Chairman M. Giancarlo, Councilman Z. Horvath, D. Burluson
D. Friedman, Mayor J. Ruocco

MEMBERS ABSENT: None

EMPLOYEES PRESENT: M. Stinely, Esq., Acting Board Attorney
C. Statile, P.E., Board Engineer
C. Reiter, P.P., Acting Board Planner
E. Madger, Acting 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.

INVOICES:

Cleary, Giacobbe, Alfieri, Jacobs, LLC Invoices

A motion was made by Mr. Alter and seconded by Vice Chairwoman Miano. The Board was polled and the motion passed. The invoices were approved for payment.

Due to the nature of the upcoming application as well as a conflict of interest, Mayor Ruocco, Councilman Horvath, and Ms. Kates recused themselves.

PUBLIC HEARINGS:

***PZ-01-20; Block 1501, Lot 2; Ilda & Edward Beja; Niza LLC; 330 Broadway
Use Variance application to occupy commercial space with a residential unit***

Counsel for the Applicant – Howard Siegel, Esq.

It was confirmed seven Board members are present and eligible to vote on the application.

Mr. Siegel presented witness David Karlback, P.P. who gave planning testimony on the application. Mr. Karlback stated he reviewed all application materials, the municipal zoning ordinance, the master plan and reexamination reports, as well as visited the site and prepared two planning exhibits for presentation.

Exhibit B: Existing Land Uses Within “C” Zone

Exhibit C: Photographs of the site and surrounding land uses

Mr. Karlback spoke about the site and uses of the neighborhood. He also described the depictions in the photographs. He confirmed that since February of 2019, there have been no offers for the vacant space available for commercial lease. The applicant seeks to convert the vacant commercial space to a one-bedroom apartment. Mr. Karlback explained no interior or exterior modifications are required, and no physical changes to the site are proposed or required. He spoke about the commercial zone, indicating it does not allow mixed or residential uses hence the need for the d2 use variance expansion of a non-conforming use. No land disturbance, no change of utilities, and no bulk variances are required.

Mr. Karlback detailed the planning rationale for the granting of a d2 variance outlining the positive criteria of special reasons and particular suitability, as well as the negative criteria. He spoke about both in great detail. The Borough's master plan and reexamination reports were also discussed in relation to this application.

The Board then had the opportunity for questions and comments of Mr. Karlback. Ms. Reiter and Mr. Statile was sworn in.

Ms. Siegel confirmed the space for commercial lease was listed with a real-estate agency, ReMax, and there was a sign outside the building for one year without any action taken. He further stated the current pandemic created additional hardship on the applicant with so many commercial offices closed or in the process of closing.

Mrs. Beja was sworn in at this time and clarified she has been trying to lease out the commercial space for roughly two years, as the previous commercial tenant had also listed it for one year prior to conclusion of their lease. Ms. Reiter stated there are other circumstances which can result in a building not being leased but appreciates the clarification.

Ms. Reiter spoke about COAH trust fund fees and explained the applicant would be required to pay a percentage of the assessment value of the unit towards the COAH fund of 1.5% should the Board act favorably on the application. Chairman Giancarlo explained this is a statewide requirement. Ms. Reiter clarified the official name of same is the "Affordable Housing Trust Fund" and it is a one-time fee, usually divided into two payments.

The Board had the opportunity to ask questions of Ms. Reiter. Ms. Beja confirmed she had three inquiries for commercial leasing however the space was not suitable for the interested parties. As questions were asked regarding pricing of the unit, Ms. Beja stated the price was lower than any other commercial space in the area however there are many available commercial spaces which were more suitable to the inquiring parties' business needs. Ms. Beja stated she had four people interested in renting the space for residential use and she explained to them she would need permission first prior to leasing to them for residential use. The asking rent price for residential versus commercial use was the same.

There was a discussion regarding previous legality of the subject unit in terms of residential use. Mr. Karlback clarified there does not need to be any "hardship" for the Board to approve this application; Ms. Reiter concurred. Ms. Reiter reviewed the proofs for a d2 variance in detail.

At this time the meeting was opened to the public. As no one wished to speak, the meeting was closed to the public. Vice Chairwoman Miano made a motion to approve the application which was seconded by Mr. Alter. The Board was polled and the motion passed with five affirmative votes; the application

was approved. Mr. Siegel and Mrs. Beja confirmed the affordable housing component is understood and will be adhered to.

BOARD BUSINESS:

Board Planner Position

At this time, the Board interviewed Board Planner Candidate Ms. Caroline Reiter for the vacant position for the balance of 2020. Mayor Ruocco returned to the virtual meeting. It was confirmed the Board would interview Ms. Reiter in open session and vote in closed session.

Ms. Reiter outlined for the Board of her qualifications and experience in detail. The Board had the opportunity for questions and comments.

The Board then entered closed session. The Board returned from closed session. Ms. Stinely made an announcement that the Board entered closed session to discuss a personnel matter and returned to open session to make a decision on that personnel matter.

Ms. Miano made a motion to hire Burgis & Associates as planner for the balance of 2020, which was seconded by Ms. Kates. The Board was polled and the motion passed. Chairman Giancarlo stated he will inform both applicants of the outcome.

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

It was confirmed the next meeting will be conducted virtually.

The meeting was adjourned.

Respectfully submitted,

Statile Associates Consulting Engineers and Planners