

MINUTES OF THE JUNE 24, 2014 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, M. Kates, J. Miano, Councilman Kelley
L. Calabria, Z. Horvath, E. Lichtstein

MEMBERS ABSENT: J. Traudt, F. Franco, Mayor M. Arnowitz, M. Giancarlo

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

Chairwoman Calabria called the meeting to order at approximately 7:30 pm with a reading of the Open Public Meetings Statement.

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

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

At this time, Councilman Kelley recused himself due to conflict of interest with the upcoming public hearing and left the Chambers.

MINUTES:

The *June 11, 2014* minutes were approved by the Board.

BILLS:

Invoice No. 417.003 from C.P. Statile, P.A. was approved by the Board for payment.

INFORMAL HEARING:

John C. Paterno; Block 1205, Lot 8; 273 Broadway

Mr. Paterno appeared before the Board on his own. He proposes to submit an application to build a multi-family apartment building, which would consist of one bedroom units available for rent. Mr. Paterno expressed that the demographic population he wishes to rent to would be the elderly and young, urban professionals. The Board voiced concern about one bedroom units, advising Mr. Paterno that he should include a few two bedroom or family units. The Board Engineer, Mr. Statile stated that the site planning of the apartment complex is too dense with the proposed number of units and would need to be re-done with more open space. Furthermore, the building setbacks are too close to three nearby existing homes. Mr. Paterno said he would be willing to propose owner-occupied units, but planned on renting because he believed there was a better market for them. The Board had three main concerns with this plan: density, stormwater management, and building design. Mr. Statile suggested Mr. Paterno hire an architect to assist with the building details.

COMPLETENESS REVIEWS:

PZ-09-14; Kevin & Jennifer Cortolano; Block 1625, Lot 8; 18 William Street

Bulk variance application for new attached garage was deemed complete and scheduled for a public hearing on July 9, 2014.

PZ-10-14; Patricia Lucia; Block 1910, Lot 26.01; 173 Cedar Lane

Application to appeal the decision of an Administrative Officer for new dwelling was deemed complete and scheduled for a public hearing on July 9, 2014.

PUBLIC HEARINGS:

PZ-07-13; Caliber Builders; Block 506, Lot 1; Final Site Plan Application for Single-Family Age Restricted Dwellings Units

Counsel for the Northgate Condominium Association Opposition – John Lamb, Esq.

Counsel for the Applicant – Siobhan Spillane Bailey, Esq.

Caliber Builders was scheduled for a continued, special hearing on July 24, 2014 at 7:30PM, as well as a continued, regular hearing on August 26, 2014 at 7:30PM.

PZ-09-13; Laurjo Construction Co. & Joseph Gassib; Block 1109, Lots 2 & 3; 46 Beechwood Drive; Minor Subdivision with Variance

Counsel for the Applicant – Raphael G. Jacobs, Esq.

Mr. Jacobs appeared before the Board on behalf of the applicant. The Board discussed the possibility of this application being considered “Res Judicata.” Board Attorney Ms. Nabbie asked Mr. Jacobs how Lot 3 became non-conforming. Mr. Jacobs explained that Lot 2 was always conforming (oversized) and Lot 3 was always substandard in area. Mr. Gassib’s application is to create two, more conforming lots by adjusting the dividing line between them. Mr. Statile confirmed this to be true. Mr. Jacobs further stated that Mr. Gassib cannot make Lot 3, which contains a new dwelling, conforming because of the FAR requirements. This restricts him from transferring any more land from Lot 2 to Lot 3.

Dr. Lichtstein asked if Mr. Gassib was now proposing to create a 90 ft. lot and a 60 ft. wide lot instead of two 75 ft. wide lots. Mr. Jacobs responded that there are two different dimensions proposed for the respective lots, one lot conforming and the other non-conforming, versus creating two conforming ones.

Ms. Nabbie asked Mr. Jacobs why his client didn’t appeal back in 2005. Mr. Jacobs responded that he did not know, as he did not represent him.

Mr. Statile explained that if the dividing lot line was moved west and lot area taken from Lot 2, Lot 2 would go into an FAR violation to approximately 31.5%, versus the current 29.99%, thus making it in a 1.56% violation. If this were accomplished, it would yield an extra 5.7 feet on Lot 3, making Lot 3 frontage measure about 65 ft. and Lot 2 about 85 ft.

Dr. Lichtstein noted the fact that 65 ft. by 85 ft. measurements are becoming closer in similarity to the previous 75 ft. by 75 ft. measurements. He asked if the new measurements would classify this application as Res Judicata, since they are not substantially different from the previous 75 ft. lot width measurements. The Board Attorney Ms. Nabbie told the Board that it is up to them to

determine if 5 ft. is a substantial difference or not. Dr. Lichtstein made a motion that the application was not Res Judicata and that the Board should hear the case. All Board members agreed.

Mr. Jacobs stated that he would therefore amend the application to show a 65 ft. frontage on Lot 3, an 85 ft. frontage on Lot 2 and apply for an FAR variance for the existing dwelling of approximately 31.5% on Lot 2. It was decided that the applicant's engineer will revise the subdivision plan and re-notice the public. In addition, Mr. Jacobs agreed that his applicant will return with a subdivision plan, as well as a zoning table identifying variances.

The Board and Board Attorney were concerned that members of the public who had previously objected were not present and were also concerned with whether or not the public was properly noticed.

Mr. Gassib's application was carried to the August 13, 2014 public hearing and the applicant is required to re-notice.

The Board then discussed additional matters. It was determined that the application for Jeanne Marie Gardens (Walsky) will also be required to re-notice and will re-appear before the Board on September 10, 2014 for a public hearing.

The meeting was adjourned at 9:43pm.

Respectfully submitted,

Caitlin Chadwick
Acting Deputy Secretary