

MINUTES OF THE MARCH 12, 2015 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Lichtstein, M. Kates, L. Calabria, M. Giancarlo
F. Franco, J. Miano, Z. Horvath, G. Biener

MEMBERS ABSENT: J. Traudt, Mayor M. Arnowitz, Councilman F. Pizzella

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney
Christopher P. Statile, P.E., Board Engineer
Paul Grygiel, P.P., Board Planner
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):

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

MINUTES:

The *February 24th, 2015* meeting minutes were approved by the Board.

BILLS:

Invoices from the Board Engineer and Board Attorney were approved by the Board for payment.

COMPLETENESS REVIEW:

PZ-05-14; JKD Inc.; Block 1205, Lots 15 & 16; 30 Lake Drive

Application to appeal the Administrative Officer's Decision was deemed complete. It was not yet assigned a public hearing date, as there were concerns regarding the time frame in which the appeal was filed and whether or not the Board has jurisdiction to act. Board Attorney Nabbie will review the appeal documents and advise the Board, then a public hearing date will be scheduled.

PZ-05-15; New York SMSA Limited Partnership d/b/a Verizon Wireless & Crossroads-Hillsdale Assoc.; Block 1603, Lot 2; 372 Broadway

Major Site Plan with Variances Application was deemed complete and assigned a public hearing date of April 9th, 2015.

RESOLUTIONS:

2015-7; Anne Sirkin; Block 1302, Lot 6; 82 Crosley Terrace

Approval of bulk "c" variance for side yard setback for new addition to existing single-family dwelling was approved by the Board.

BOARD BUSINESS:

Sustainability Checklist/Guidelines

It was decided that the Board Engineer's office will distribute the Sustainability Checklist to all Board members via email, and the Board will discuss this item at the following meeting.

PUBLIC HEARINGS:

PZ-07-13; Caliber Builders; Block 506, Lot 1; Golden Orchards

Final Site Plan Approval for construction of age-restricted, single-family dwellings Carried from February 24th, 2015 for purpose of scheduling a Special Meeting date

This application was carried to the regular Planning Board meeting of May 14th, 2015. At this meeting, the Board and Applicant will also discuss the scheduling of “special hearing” dates for May and/or June.

PZ-08-12; Jeanne Marie Gardens, LLC; Block 1212, Lots 15 & 16; Esplanade & Patterson St. Major subdivision & site plan with use variances application for new multi-family housing complex in Industrial Zone

Counsel for the Applicant – Ira Weiner, Esq.

Mr. Weiner explained that the applicant is finishing up modifications to the plans and should be fully prepared for a public hearing by May. The application was then carried to May 26th and Mr. Weiner confirmed that the applicant will re-notice for this date.

PZ-12-14; Zarsion Jinhui; Block 102, Lot 1; 90 Wierimus Road Major Subdivision application with variances for the creation of 8 lots

Counsel for the Applicant – Ira Weiner, Esq.

Mr. Weiner reviewed the current subdivision plans showing eight lots, wherein seven will contain single-family dwellings, and one preserved for open space and stormwater management. Other than front yard setback reductions which the Board was agreeable to, there were no variances. Mr. Weiner next explained his client has a schematic of an alternate layout that they would like to present to the Board in order to get the Board’s informal opinion on whether the layout is preferable over the current layout with a new street. He reasoned this would eliminate some concerns the Board had on land clearing and steep walls. Mr. Weiner stated that he believes the alternate will be more advantageous to both the Borough and his client.

Mr. Weiner called upon his first witness to testify to the submitted plans. Richard Eichenlaub, P.E. of R.L. Engineering, 24 Wampum Road Road, Park Ridge, a licensed civil engineer. He reviewed by exhibit the current subdivision plan which contained a new street and cul-de-sac.

The subdivision plans revised to 10/14/14 were marked into evidence as **Exhibit A-1**. Mr. Eichenlaub stated that the 8th lot (Lot 104) will be preserved for open space and an underground stormwater detention system. Mr. Eichenlaub then reviewed the drainage plan and detention system (catch basins) for the Board and explained that seepage pits will be installed to collect roof runoff from each home. Mr. Eichenlaub also reviewed the measurements of the lots and the variances needed.

The “Tree Removal/Planting Plan” (drawing no. 6 of 8 in Exhibit A-1) was also reviewed and Mr. Eichenlaub stated that of the 275 existing trees, 216 are being proposed for removal on this plan.

He stated that there will be additional planting and landscaping plans provided for the dwellings being proposed. Mr. Eichenlaub stated that the soil moving permit has been filed and also explained the cut and fill measurements to the Board. There will be no exporting of soils from the site but because the cut will be larger than the fill, soil will be imported to the site.

Next, the new conceptual plan was presented to the Board. "Alternate Scheme No Roadway" was marked **Exhibit A-2**. Mr. Eichenlaub then testified to this layout he prepared, stating that it shows seven new lots rather than eight. In this layout, the cul-de-sac is eliminated and each lot fronts on the existing street system. Each lot will handle its own roof runoff through a seepage pit system, thus eliminating the need for an underground detention system originally proposed on the 8th lot. Mr. Eichenlaub gave an overview of the lot measurements and the variance relief needed. He also explained that the alternate plan would conserve the majority of the trees along the property and eliminate the large cut & walls that would have been needed for the cul-de-sac. This layout benefits the applicant by eliminating the need for extensive cuts and fills, and benefits the Borough by eliminating the proposed roadway as well as maintenance. The alternate plan also benefits neighbors because fewer trees will need to be eliminated and the dwellings are further away from adjacent lots.

Mr. Weiner stated that his client understands that anything the Board says tonight will not be considered an approval, but he and his client are trying to determine if the Board has enough interest in the alternate layout for the engineer to go ahead and add more detail to it. Mr. Statile stated that the alternate layout allows for the rear of all the homes to face the woods rather than the street thus allowing for backyards. Mr. Statile suggested that the applicant bring all the homes a little father forward to reduce the disturbance footprint and have larger rear yards.

Dr. Lichtstein stated that he would prefer the applicant propose six homes instead of seven to create wider lots. Ms. Miano asked about how many trees would be removed under the alternate layout. Mr. Eichenlaub responded that about 1/3 to 1/2 of the trees proposed for removal on the previous plan would need to be removed on the alternate plan. Mr. Franco expressed concern about the homes facing a busy roadway and Mr. Eichenlaub assured the Board that all homes will have a turn-around in the driveways, with only one driveway cut. Ms. Kates stated that all the trees should be marked first as to whether they are remaining or being removed, and she would also like the Environmental Commission to conduct a walk through. Mr. Horvath stated that the first submitted plan allows for a neighborhood while the alternate plan offers more space. He also stated that he would prefer five to six lots proposed for building instead of seven. Ultimately, the Board preferred the alternative layout to the previously submitted plans.

The meeting was then opened to the public. Louise Sharrer of 91 Wierimus Road spoke about her concerns regarding wildlife wandering into her yard. Mr. Frankel of 66 Wierimus Road came forward to voice concerns regarding several issues, including his dislike of sidewalks. The meeting was then closed to the public.

The second witness, Jeff Kraft, VP of Development at Zarsion Jinhui, was sworn in to testify. Mr. Kraft stated that seven lots will be suitable for development, but fewer lots than that will not work for his development company. He further stated that the alternate plan is an attempt at a more sustainable plan.

The application was carried to May 14th, 2015 and Mr. Weiner stated that the applicant extends the time frame for the Board to act.

***PZ-03-14; Block 503, Lot 4; Saddle Wood Properties, L.P.; 786 Hillsdale Ave.
Minor Subdivision application for the creation of 3 lots***

Counsel for the Applicant – Allen M. Bell, Esq.

Upon questioning, Mr. Statile informed the Board that all lots are compliant and this is a three lot minor subdivision, but that the lots must be feasible for development.

Ms. Kates disclosed that as a Hillsdale citizen, she would like to see the Open Space granted for this piece of property. Ms. Calabria disclosed the same and that they have been peripherally involved in the property's preservation efforts. Mr. Statile disclosed that he had spoken with an Open Space Trust organization, but only relayed factual information to them. Mr. Bell took no issue with these disclosures and therefore no one recused themselves.

Mr. Bell opened with the fact that the applicant has no plans to disturb freshwater wetlands on the property as they are protected by the State. Mr. Bell said that the applicant desires to develop the property into three conforming lots. Furthermore, no specific plans are currently being proposed for homes, whoever purchases the property will need to provide actual house plans.

Tom Skrable, P.E. was sworn in as an expert in civil engineering and testified to the minor subdivision plat which he designed. Mr. Statile reminded the Board that it is their responsibility to determine if the lots are feasible for development.

Documents were marked as follows:

Exhibit A-1: Aerial Map

Exhibit A-2: Subdivision Drawings

Seepage pits, and the landscaping plan were discussed. Mr. Statile reminded Mr. Skrable that exceeding one-acre of disturbance would cause the application to fall under the Major Development regulations of the State and cause a 300 ft. riparian buffer to be triggered from the nearby stream to the east. As presented, the development plans are just under one acre, however if the applicant expands the disturbance footprint, they will be subject to new rules from the State, NJDEP. Mr. Statile further stated that all trees that will be taken down must be shown on the plans now because if someone purchases the property later and decides to remove additional trees, he or she will be subject to a penalty and that should be avoided.

The Board then had an opportunity to question Mr. Skrable. Ms. Kates asked how underground detention pits work when the building site is so close to the wetlands. Mr. Skrable stated that the wetlands are well below in elevation from the area that will be developed; there will be seepage pits installed to retain runoff water, which will recharge the ground. Mr. Statile stated that he requires test pits which he must witness, as a condition of subdivision approval. Mr. Statile also stated that this lot was used to dump rock and debris during the 1960's when the sanitary sewers in Hillsdale were built, so whoever purchases this property may be confronted by the debris for foundation and basements. Mr. Statile stated that this is the reason why the town owned these lots in the past.

It was confirmed that the Environmental Commission will submit comments for inclusion in the Resolution.

The meeting was then opened to the public.

Bill Drummond of 840 Hillsdale Ave., Hillsdale came forward to discuss flooding concerns.

Conditions of approval were then outlined as follows:

1. Applicant must comply with Board Engineer Mr. Statile's report.
2. Applicant must conduct test pits in the presence of Board Engineer Statile.
3. Applicant must place environmental markers on trees to be removed as well as on trees that will remain.
4. Application will be subject to Hillsdale Environmental Commission's review and comment.
5. Applicant will provide Subdivision Deed with legal descriptions to the Board Attorney and the Board Engineer for review and approval.
6. Applicant will provide Conservation Easement with metes and bounds to the Board Attorney and the Board Engineer for review and approval.

Mr. Statile stated that the test pits must be conducted before the Board votes on the Resolution. Ms. Nabbie stated that this must occur within 45 days. Ms. Calabria stated that the Mayor and Council recently voted to preserve this property and that this plan is a backup plan in the event that funding for open space is not obtained. Mr. Bell stated that his client would prefer to preserve this property but does not know the purchase status and therefore needs to follow through with this development plan. Mr. Bell further stated that if the Board passes a resolution to approve this plan, his client would not start development operations in the near future.

Mr. Horvath made a motion to approve this application. Mr. Franco seconded the motion. The Board was polled. The motion passed and the application was approved.

***PZ-15-14; Kevin & Janine Tedesco; Block 1516, Lot 3; 23 Oakland Street
Variance application for front yard setbacks and F.A.R.***

Counsel for the Applicant – Alan Trembulak, Esq.

Mr. Trembulak began by stating that the applicant is reapplying for two previously granted variances: floor area ratio and side yard setback. Kevin Tedesco, owner, was sworn in before the Board to testify. Mr. Tedesco stated that he and his wife temporarily reside in a one bedroom apartment in East Rutherford with their five month old son. Last year, he and his wife purchased the home at 23 Oakland Street and were before the Board in August 2014 with plans to expand the left side of the home and build a second story addition to allow room for their growing family. Mr. Tedesco then testified to the work that was performed on his home, stating that all interior walls were removed except a portion of the garage wall. Construction began in September/October of 2014. During construction, they found termite damage to the walls and floor rafters. Furthermore, they discovered there was no sheet rock on the house interior walls.

Mr. Tedesco then testified to the extent of work currently completed on the house, stating that the entire house has been framed, sheeting is in, plumbing and electric are about 90% complete, and the roof is on the house. The rest of the work, excluding demolition, has conformed with the plans previously approved by the Board. Mr. Tedesco stated that a building violation was issued on November 4, 2014 at which point the zoning official allowed him to finish the tie-backs and told him he would be issued a stop-work order. Upon issuance of the stop-work order, Mr. Tedesco stopped all work. Mr. Tedesco stated that the new plans are exactly the same as the previously approved ones, except for demolition and the garage door is smaller on the new plans.

The Board questioned Mr. Tedesco as to why he didn't contact someone in the Hillsdale Building Dept. prior to taking all walls down and how many interior walls were originally proposed to be torn down. Mr. Tedesco stated that the interior walls were originally coming out downstairs and were to be replaced. However, upon performing this work, they discovered there was no plywood on the outside of the house, which placed the stability of the walls in question. Mr. Tedesco hired a contractor to frame the house and the work moved very rapidly; he didn't know he would need to call anyone in the Building Department.

The meeting was opened to the public. Joseph Turrigiano of 25 Oakland Street came forward and stated that construction and demolition of the Tedesco's house did go very rapidly. He noticed that several sections of the wall were left up for at least one to two days. Mr. Turrigiano said he doesn't believe there was any attempt on the Tedesco's behalf to bypass the Board's decision. The meeting was then closed to the public.

Lisa Cohen, R.A. of 21-03 Radburn Rd., Fair Lawn was then sworn in before the Board to testify. Ms. Cohen is a licensed architect and designed the plans for the Tedesco's home. Ms. Cohen stated that the plans previously approved by the Board and the new plans are identical except for the changes to the interior walls and the garage door being smaller. There are no changes to the building footprint. She stated that every effort was made to maintain as much as possible of the existing structure, and 30% was proposed to remain. Ms. Cohen stated that she and the applicants tried to maintain 8 ft. studs and have a 9 ft. ceiling, and she wouldn't have included that detail on the plans if the intention was to take down walls and rebuild. The existing home was a one-story ranch with a small 1950's era one-car garage; the applicant's intention was to add a second story addition to the home, making it a four bedroom house, and expand the garage to store a car as well as work equipment. Ms. Cohen went over measurements, stating that the allowed F.A.R. is 30% and the applicant is at 30.4%

Documents were then marked:

Exhibit A-1: As Built Plans dated 11/15/14

Exhibit A-2: Photoboard

The previous resolution which granted the Tedesco's approval was reviewed. Although the resolution stated that a rear patio was being proposed, Ms. Cohen stated it was actually being demolished. Also, the front porch was never shown on the plans as lining up with the existing fascade of the home, yet it was written as such in the resolution.

Mr. Statile stated that an as-built survey should be provided before the Board votes on the resolution. The Board then had an opportunity to question Ms. Cohen.

Ms. Kates asked Ms. Cohen if she recommended Mr. Tedesco contact anyone in the Building Department prior to tearing down the walls. Ms. Cohen said she didn't realize he needed to do so, and so she did not advise him to. Dr. Lichtstein asked Ms. Cohen if there had not been a pre-existing house on this property, would she have designed the plan the same way. Ms. Cohen stated that yes, she's sure she would have designed it the same way.

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

Dr. Lichtstein made a motion to rescind the previous approval. Ms. Calabria seconded the motion. The Board was polled and the motion passed. The previously granted approval was rescinded.

Dr. Lichtstein made a motion to approve the new plans with the condition that an as-built survey (showing building height, ridge height) be provided. Ms. Calabria seconded the motion. The Board was polled and the motion passed. The application was approved.

The meeting was adjourned at 10:49pm.

Respectfully submitted,

Caitlin Chadwick
Deputy Secretary