

**MINUTES OF THE MARCH 8, 2018 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: E. Lichtstein, E. Alter, Vice Chairwoman Miano, F. Franco
Mayor Ruocco, M. Kates, S. Riordan, D. Burleson, Chairman Giancarlo

MEMBERS ABSENT: Councilman Pizzella, S. Raymond

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney
C. Statile, P.E., Board Engineer
C. Chadwick, 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.

Chairman Giancarlo announced the Board has a new member Steven Riordan, who will be taking Scott Raymond's place as first alternate, and Scott Raymond is now a full Board member.

MINUTES:

The *January 23, 2018 Meeting Minutes* were approved by the Board.

INVOICES:

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

RESOLUTIONS:

Resolution 2018-06 Re-Adoption of By-Laws was approved by the Board.

Resolution 2018-07 Aeon Fitness was approved by the Board.

Resolution 2018-08 Levy was approved by the Board.

Resolution 2018-09 Buehler-DeSimone was approved by the Board.

COMPLETENESS REVIEW:

PZ-14-17; Donna DeGhetto; Block 502, Lot 7.01; 3 Beechnut Street

Bulk "c" Variance Application for New Single-Family Dwelling

Board Engineer Statile deemed the application complete and scheduled it for a public hearing April 12, 2018.

PZ-15-17; Salvatore Russino; Block 1116, Lot 11; 55 Maple Ave.

Bulk variance application for new rear addition over an existing wood deck

Board Engineer Statile deemed the application complete and scheduled it for a public hearing April 12, 2018.

REQUESTS:

PZ-08-12; 305 Patterson St., LLC; Block 1212, Lots 15 & 16; Esplanade & Patterson St.

Extension of time request for final site plan approval

Counsel – Ira Weiner, Esq. of Beattie Padovano

Mr. Weiner explained he is appearing before the Board to request an extension of the time for the previously granted variance on behalf of the applicant. Mr. Weiner stated the reason for not moving forward yet has been due to issues with NJDEP; however there is now a new engineer working on the project who has more experience in dealing with NJDEP. Mr. Statile confirmed this is correct, the applicant is “re-upping” his permits with the State. Dr. Lichtstein reminded the Board and Mr. Weiner of the fact that during the public hearings for this application, Mr. Weiner stated the applicant had all his permits with NJDEP, and asked why there is now an issue. Mr. Weiner stated it is true the applicant had NJDEP permits, however, they have since expired. Mr. Weiner stated he is only seeking to expand the time frame to go forward with the variance approval by another year or two years.

Mr. Statile stated the applicant had the right to clear the site of all trees due to their approval, but knew their permits from NJDEP were about to expire. Mr. Weiner stated the applicant didn’t want to start clearing trees and then leave an empty site for neighbors to have to look at, etc. Mr. Weiner further stated they would like to ask for two years from the date of approval, however they might not need that much time, but he isn’t sure. The Board asked if Mr. Weiner was requesting two years from now or from approval date and there was discussion regarding same. Board Attorney Nabbie stated that typically, extension requests are made one year at a time. The Board asked Mr. Weiner if he thinks it will take the full two years. Mr. Weiner stated he doesn’t know. Mr. Statile stated he thinks more than one year may be needed based on his own personal experience dealing with NJDEP. Mr. Statile elaborated that Hillsdale has an archaic ordinance which states that granted variances expire within a year, but he isn’t sure if that’s lawful or not. There was discussion whether or not one year is reasonable on its face, especially with commercially granted approvals as there are always additional permits and approvals to obtain at the County and State levels. Mr. Weiner stated he believes they can get it done within two years and won’t need more time than that.

Ms. Nabbie opined that an extension of time through 2020 is reasonable. Mr. Weiner confirmed that the applicant’s escrow account is all caught up and the applicant will pay anything else which may be due in this process. Ms. Nabbie and Mr. Weiner had a discussion wherein Ms. Nabbie stated that Mr. Weiner probably doesn’t even need to be here. Dr. Lichtstein asked what Mr. Weiner discussed with Ms. Nabbie prior to the meeting and stated he feels out of the loop because nothing was discussed with him or the rest of the Board, and he doesn’t feel comfortable granting a two year extension of time due to that fact. Dr. Lichtstein asked why Mr. Weiner wouldn’t need to appear before the Board to request an extension of time. Mr. Statile stated if the applicant had started clearing trees from the site, he would be in keeping with the ordinance in terms of beginning the project for which he was granted the variance approval. Mr. Weiner stated the applicant didn’t clear the site because then all of the neighbors would be looking at an empty lot, and there would also be a lack of drainage due to the trees being cut down and the remainder of the project not yet being started. Mr. Weiner discussed the Hillsdale ordinance in relation to retail uses of properties, and stated if only a year-long extension is granted, he will need to appear before the Board again

next year as there are still ongoing discussions and issues occurring with NJDEP. Mr. Weiner also stated the ordinance doesn't make any sense. Chairman Giancarlo stated that's a legal question/issue.

Ms. Nabbie asked what the status currently is of the two permits in question. Mr. Weiner stated the applications were submitted, and the NJDEP requested more information which the applicant submitted, even did a special study for the NJDEP however the NJDEP stated it doesn't change anything. It was then confirmed that someone saw a bald eagle at the dam, which is why the applicant is running into such issues with the NJDEP.

Chairman Giancarlo spoke about transparency. Mr. Alter stated he feels the Board should be encouraging this property to move forward with the project rather than put up any road blocks to stop it, considering the fact that the Board approved it. Mr. Alter made a motion to grant the applicant a two year extension of time. This motion was seconded by Vice Chairwoman Miano. The Board was polled and the motion failed. Ms. Kates then made a motion to grant a one year extension of time, which was seconded by Mr. Franco. The Board was polled and the motion passed; a one year extension of time was granted.

PUBLIC HEARINGS:

*PZ-02-18; Jason & Vanessa Caldwell; Block 407, Lot 2; 51 Orchard Lane
Bulk variance for addition to a single family dwelling*

Board Engineer Statile was sworn in. Jason Caldwell of 51 Orchard Lane was sworn in. Mr. Caldwell stated he is planning a second story addition within the existing footprint. Mr. Caldwell and his family moved here from Westwood and they are happy with their home, as well as the neighborhood, however his family is growing and they need more space for their children.

Joseph Bruno, 21 Pascack Road, Park Ridge was sworn in before the Board as the expert witness in architecture. Mr. Bruno provided the Board with photos of the property and the surrounding property, as well as a site plan. Mr. Bruno explained the photographs in detail. Mr. Statile stated the curbing by the driveway needs to be reconstructed and made a condition of approval, if the Board approves the application. The meeting was then opened to the public. Astrid and Rick Acito of 43 Orchard Lane, Hillsdale wished to speak. They stated their property borders the Caldwells on the east and that they are fine people; they love having them for neighbors. Furthermore, they feel the addition will be pretty and hopes the Board grants them approval. There was a discussion about the area of both lots' size.

Dr. Lichtstein made a motion to approve this application, which was seconded by Mayor Ruocco. The Board was polled and the motion passed; the application was approved.

The meeting was then adjourned.

Respectfully submitted,

Caitlin Chadwick
Deputy Secretary