

MINUTES OF THE MARCH 9, 2017 PLANNING BOARD MEETING  
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Lichtstein, F. Franco, M. Kates, Z. Horvath, G. Biener,  
Chairman M. Giancarlo, Vice Chairwoman J. Miano, E. Alter

MEMBERS ABSENT: L. Calabria, Councilman F. Pizzella, Mayor D. Frank

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney  
Christopher Statile, P.E., Board Engineer  
Richard Preiss, 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 23, 2017 Meeting Minutes* were approved by the Board.

INVOICES:

Invoices from *C.P. Statile, P.A.* were approved by the Board for payment.

COMPLETENESS REVIEW:

*PZ-02-17; Aeon Fitness & Gymnastics; Block 1212, Lot 13; 270 Knickerbocker Ave.  
Major Site Plan with Variances*

Board Engineer Statile deemed this application incomplete, as there were several issues with the submission to the Board.

PUBLIC HEARINGS:

*PZ-01-17; Jack Ely Real Estate LLC; Block 1208, Lot 1; 560 Piermont Ave.  
Use "d" Variance Application to continue the nonconforming use of the property for parking commercial vehicles; Continuation of February 23, 2017 hearing*

Counsel for the Applicant – Holly Schepisi, Esq. of Huntington Bailey

Board Engineer Statile and Board Planner Preiss were sworn in. Ms. Schepisi called her final witness – David Novak of Burgis Associates, 25 Westwood Ave, Westwood. Mr. Novak reviewed the measurements of the site as well as its current use. Adjacent properties were discussed. Mr. Novak testified that the application is not considered inherently beneficial, and therefore the applicant has an enhanced burden of proof. However if approved, it will further purposes of the

municipal land use law. As discussed at the previous hearing, a fence will be present for security reasons and there will be no increase in the amount of parking spaces (41 spaces). A waiver or variance will be needed for the two signs being installed on the site.

As Ms. Schepisi had no further questions for Mr. Novak, the Board members had the opportunity to question and comment on his testimony. Mr. Novak confirmed for Dr. Lichtstein that a d1 variance is being sought. Mr. Alter had concerns regarding covered vehicles and/or dumpsters being parked in the lot which led to a discussion regarding conditions of approval. Ms. Kates stated she appreciates the landscaping but suggests a “walk through” on site with the applicant, the Board Engineer, and the Environmental Commission. Ms. Kates also asked about a traffic study. Board Planner Preiss stated he cannot foresee a substantial amount of traffic at the site as the vehicles will be parked there for a long amount of time and the sight distance is fine; he does not see concerns for this particular use regarding traffic and asked Board Engineer Statile to weigh in on the matter. Mr. Statile stated the Industrial Zone is currently experiencing issues with on street parking as there are several businesses in the area but inadequate parking for those business’ employees. Mr. Statile stated consideration must also be made for employee parking. Dr. Lichtstein opined that this application may potentially solve the parking issue in the Industrial Zone. Ms. Kates asked for confirmation that the application if approved, will not worsen the parking issue in the Industrial Zone – Mr. Statile confirmed that to be true. There was a discussion regarding 18 wheeler trucks and Ms. Schepisi offered to stipulate there be no 18 wheelers on site. Mr. Alter requested more specificity in the conditions of approval – perhaps language that states only motorized vehicles allowed on site. Mr. Horvath was concerned about prohibiting the storage of grass, biological or otherwise noxious materials on site and Ms. Schepisi stated this would be included in the conditions of approval as well as the lease agreement. Ms. Biener requested the conditions list a size limit for vehicles allowed to park in the lot and asked if there can be a stipulation that no re-fueling stations would ever be installed on site again. Mr. Statile and Ms. Nabbie confirmed that Borough ordinance already stipulates the same. Ms. Biener also asked about signs and employee parking, and suggested at least one parking spot be reserved for the owner of the lot.

Chairman Giancarlo stated the application still gives him the impression of a change of use or an intensive use, almost as though there are “40 new businesses on one spot.” Ms. Schepisi stated the application is more similarly related to a storage facility and it is not for 40 new businesses conducting business off a single site. There will be no mail delivered to businesses leasing parking spaces at this site, no employees performing day to day operations. Ms. Schepisi also raised the point that when Scholastic Bus Company owned the site, some of the bus drivers were independent contractors. There was then confusion amongst the Board regarding what Ms. Schepisi meant regarding her comment that the application is similar to that of a storage facility. Ms. Schepisi confirmed businesses will not be storing anything other than their work vehicles on site and her comment was intended to compare the fact that a storage facility may lease space to businesses, however businesses do not operate out of the storage facility site. Mr. Preiss stated he does not see this as an application where multiple business will be operating on site – only parking. Business related activities will not be permitted and not all 40 spaces will be used for the same business type.

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

Ms. Schepisi stated her closing comments. Mr. Statile inquired about signage on site; Ms. Schepisi confirmed there will be two small signs on the fence and one on the pole. The fence signs will state the name of the company, 560 Piermont Ave., LLC as well as state "Spaces for Rent" and include the phone number of whom interested parties should contact. The one sign on the pole will state "No Trespassing" and inform readers of the security camera on site. None of the signs will be more than four square feet in size.

Mr. Alter asked who will oversee the site and Ms. Schepisi stated the application will as he testified to at the previous hearing. Mr. Alter asked who he should contact if he witnesses any vehicles leaking oil or otherwise violating the conditions of approval/lease agreement; Ms. Schepisi replied he should call the owner whose phone number will be on the sign, and the owner will require the owner of the vehicle to remove it and repair it unless the vehicle broke down on site, in which case it would be quickly repaired on site. Ms. Schepisi also stated there are currently 30,000 gallons of oil on the site that could leak out at any time and they are being removed immediately.

The conditions of approval for this application were then discussed at length and in great detail. A flood evacuation plan was also suggested by Dr. Lichtstein and Board Planner Priess. At 9:22pm, the Board took a short recess. At 9:36pm, the Board returned from recess to finalize their discussion on the conditions of approval.

Mr. Horvath made a motion to approve the application, with the conditions of approval. The motion was seconded by Mr. Franco. The Board was polled and voted, and the motion passed. The application was approved.

The meeting was adjourned at 9:55pm.

Respectfully submitted,

Caitlin Chadwick  
Deputy Secretary