

**MINUTES OF THE MAY 11, 2017 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE**

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

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

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney
C. Statile, P.E., Board Engineer
R. Preiss, P.P., Board Planner
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.

MINUTES:

The *April 25, 2017 Meeting Minutes* were approved by the Board, with minor edits.

RESOLUTIONS:

***Resolution No. 2017-10; Danielle DeVincenzo; Block 2201, Lot 13, 190 Ruckman Ave.
Application filed pursuant to N.J.S.A. 40:55D-70(a) appealing decision of Zoning Officer for
expansion of dwelling in flag lot.***

Mr. Horvath made a motion to approve this resolution, seconded by Mr. Alter. The Board was polled and the resolution approved.

***Revised Resolution No. 2016-12; John C. Paterno; Block 1205, Lot 8; 279 Broadway
Approval of Use Variance, height variance, and site plan approval for a multi-family building
(revised Resolution to clarify contribution in lieu payable by Applicant).***

Mr. Horvath made a motion to approve this resolution, seconded by Chairman Giancarlo. The Board was polled and the resolution approved.

***Revised Resolution No. 2017-06; The Nolan Partnership; Block 1523, Lot 3; 262-270 Broadway
Approval of Use Variance for rental apartments in the commercial district in existing
commercial building (Resolution revised to correct affordable housing contribution in lieu
payable by Applicant).***

Mr. Horvath made a motion to approve this resolution, seconded by Mr. Alter. The Board was polled and the resolution approved.

COMPLETENESS REVIEW:

PZ-06-17; Jean Bond; Block 1104, Lot 4; 434 Hillsdale Avenue

Use Variance Application for clothing decoration classes in conforming commercial retail store.

This application was deemed complete and scheduled for a public hearing date of May 25, 2017.

PZ-07-17; Pascack Valley Regional High School District Board of Education; Block 1101, Lot 8; 63 Patterson Street

Use Variance Application to permit student life studies in commercial district.

This application was deemed complete and will be heard later this meeting.

PUBLIC HEARING:

PZ-03-17; F. Susan Small; Block 302, Lot 16; 10 Buff Lane

Bulk Variance Application for additions to single-family dwelling on corner lot.

Robin Small of 10 Buff Lane, Hillsdale was sworn in to give testimony on behalf of her mother, Susan Small, also of 10 Buff Lane who was also present and sworn in. Ms. Small stated that Susan is proposing an addition to permit Robin and herself to live with her mother to help care for her and stay together as a family. Architect Linda Del Nobile Menze who prepared the plans was also sworn in. Ms. Del Nobile Menze explained the details of the addition, stating the purpose of such is to allot a private area for Robin and her daughter to live in, and a private area for Susan to reside in as well. Mother, daughter, and granddaughter wish to live together but also need to have enough personal space.

Ms. Del Nobile Menze reviewed the measurements of the property as it exists, as well as the measurements of the proposed addition, in relation to setbacks. The existing home is a split level, and the addition will be located on the side (north) of the property, of 680 SF. The middle level of the home will remain unchanged except for minor alterations to the stairs. The proposed addition would change the upper level of the home by creating a bigger bedroom and a larger bathroom.

Board Engineer Statile requested the applicant install a 1,000 gallon seepage pit if the proposed addition is approved by the Board.

Mr. Alter asked if there will be a separate entrance; Ms. Del Nobile Menze replied there will be and it will be located on the front of the home next to the garage, with a patio. Mr. Statile stated Mr. Alter's inquiry and his concerns regarding the separate entrance is a valid to issues with two-family homes; he suggested the applicant consider moving the patio to the back of the home.

The applicant agreed to move the entrance to the north side of the dwelling with the exterior patio so that they are disconnected from the driveway.

Board Planner Preiss stated this is not considered a separate apartment or accessory apartment because there is no second kitchen being constructed. Mr. Statile agreed with Mr. Preiss, stating as proposed, this addition is not a separate dwelling unit since there is no doorway separating.

Ms. Kates asked if any changes will be made to the landscaping or external facade of the home and Ms. Del Nobile Menze confirmed no changes of that nature will be made and no trees removed.

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

Board Attorney Nabbie confirmed with Ms. Del Nobile Menze that the plans dated January 5, 2017 are the correct plans. Ms. Del Nobile Menze confirmed this is correct however there is a typo on the plans that reads 2016 but the correct date is 1/5/2017. Revised plans will be submitted to the Board Engineer for review.

Mr. Alter made a motion to approve this application with the previously decided conditions:

- A 1,000 gallon seepage pit will be installed
- The door and patio will be moved to the north side of the home

Mr. Horvath seconded the motion. The Board was polled and the application approved.

Ms. Nabbie stated she will specify in the resolution that the addition is of a mother/daughter nature, not a two-family dwelling. It was confirmed the applicant will submit revised architectural plans.

PZ-07-17; Pascack Valley Regional High School District Board of Education; Block 1101, Lot 8; 63 Patterson Street

Use Variance Application for student life studies education in Commercial District.

Counsel for the Applicant – Rodney T. Hara, Esq.

Mr. Hara was sworn in before the Board. He began by saying the high school district was recently presented with the opportunity to lease space to teach functional life skills to special needs students. The property is zoned for commercial use but permits education as an accessory use. The applicant seeks to use the building solely for educational purposes and would operate the program on the first floor, which is currently vacant.

Mr. Hara's first witness was Eva Merk, the Board of Education's Director of Special Services, who operates out of both high schools. Ms. Merk reviewed what the life skills program would entail, stating it is for students aged 18-21 whom have already completed coursework for high school graduation. This program helps these students become as independent as possible and would teach them how to navigate the community (known as "travel training"), go grocery shopping, cooking and other household activities such as entertaining guests, etc. Students have already begun internships with participating local businesses by their senior year of high school. Some participating Hillsdale businesses include Shop Rite, ETD Auto, and Osso Bucco Restaurant.

Ms. Merk stated that setting this program up inside the school building is possible but not optimal for this type of program. Providing this program is critical to these students and their families, and other nearby districts also have similar programs. Ms. Merk stated this has become a greater need for the school district in recent years. There will be approximately six students starting the program; the day would be split with three students beginning their day at the house with a teacher and paraprofessional present, while the other three students would be at their local internships. Halfway through the day, the students would switch locations. Hours of operation would be 9am-3pm, Monday through Friday. There will be no evening or weekend activities. The program will follow a school calendar but will have an extended school program (“half-day” 9am-1pm) in July. Students will either be bussed to or dropped off at the house by their parents, therefore traffic would be minimal. Ms. Hara explained that to send these students out-of-district to similar programs, it costs the Pascack Valley School District between \$75,000 to \$100,000 per student, and is less helpful to students than attending a program within their community.

At this time, Board Attorney Nabbie informed Mr. Hara that Board member Fred Franco lives within 200 ft. of the subject property, although he was not on the 200 ft. list. Mr. Hara had no objections to Mr. Franco participating in the public hearing and voting process.

The Board members had the opportunity to question Ms. Merk. It was confirmed that there are 13 incoming freshmen, and 20+ students overall, across the school district who would need a life-skills program such as the one being proposed. Mr. Alter asked questions about the lift located at the building and how sufficient it would be for wheelchair bound students, and suggested the addition of a ramp. Ms. Merk confirmed there will be no more than six students in each session and there are no wheelchair bound students at the moment who would be enrolled in this program. Ms. Merk stated that there is usually not more than one wheelchair bound student at a time who needs this program. Mr. Hara informed the Board that this program does not address physical disabilities, therefore students who are wheelchair bound may not necessarily need to be enrolled in this program. Parking was discussed. It was confirmed that the prior use of this location was a barber shop and parking was sufficient for that use. There are seven parking spots in the rear of the building; students will not be permitted to drive there and would be dropped off by bus or parents. It was confirmed that the school district is still bound to State regulations for the operation of this program.

The meeting was then opened to the public. As no one had questions for the witness, the meeting was closed to the public.

Mr. Hara’s second witness was architect Charles Koch, of Environetics. Mr. Koch was sworn in before the Board. Mr. Koch stated this is a Department of Education project which will be reviewed by the state and explained that they will calculate how many people can occupy the space at any given time, based on the square footage of the building. Mr. Koch stated if the Department of Education requires a ramp be installed, the Board of Education will install it.

Mr. Koch reviewed the layout of the first floor, stating the only change is one of the walls would need to be moved, per Department of Education regulations, in order to create a “sensory room.” The wall being moved is a non-weight bearing wall. There will be no changes to the outside structure, and no signage. Mr. Koch stated the house is in the perfect location for the intended program. Students will be inside the building during their three hour time slot, and if approved, this should generate far less traffic than the barber shop did.

Mr. Alter asked if this application is being proposed as inherently beneficial and Mr. Hara confirmed yes. Mr. Alter asked if he will go through the positive and negative criteria; Mr. Hara stated he believes what was presented clarifies positive and negative criteria; there is no negative impact on the public. Ms. Kates asked what the name of the program is and why it will not be displayed outside the building. Ms. Merk stated the name is “Milestones for PVR” and it will not be displayed due to confidentiality of the students. Ms. Kates reminded the applicant to insure the property is in compliance with existing conditions. Chairman Giancarlo asked if additional lights will be installed and about any noise; Mr. Koch replied no lights will be installed and there will be less noise generated than the barber shop created. Mr. Franco asked about doors and it was confirmed the door leading to the second story of the building will be locked at all times. It was also confirmed that a handicapped accessible bathroom will be required and modifications to the existing bathroom may be required.

At this time, the meeting was opened to the public. As no one had questions for the witness, the meeting was closed to the public.

Board Planner Preiss stated this is an inherently beneficial use, and when that is the case, no special explanations are required. He explained the four parts of the “Sica Test” to the Board – identify public interest at stake; determine whether or not there are any detrimental impacts; if there is a negative impact, should reasonable conditions be imposed to limit that impact; and finally, weigh the positive impact created if the variance is granted versus the negative impact with conditions. Mr. Preiss reminded the Board that inherently beneficial uses do not have community boundaries.

Ms. Kates asked if a use variance were granted, would this location be re-zoned to permit schools. Mr. Preiss replied no, the zoning would not change. A variance is an exception for this particular situation or use (educational) and would run with the property. If the site were to be used for another type of purpose, the applicant would be required to return to the Board and obtain another use variance.

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

Chairman Giancarlo asked if a life skills program were formed on the school property rather than this building, would the Board of Education still be required to appear before the Board. Mr. Preiss responded they would not be, because the school permits education uses on its property.

Conditions of approval were discussed – no more than six students per session. Mr. Hahn requested the resolution not specify any disabilities and simply state “18-21 year old life skills program.”

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

The meeting was adjourned at 9:10pm.

Respectfully submitted,

Caitlin Chadwick
Deputy Secretary