

MINUTES OF THE November 22, 2016 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE

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

MEMBERS ABSENT: Councilman F. Pizzella, Mayor D. Frank, E. Lichtstein,

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney
C. Statile, P.E., Board Engineer
P. Grygiel, P.P., Board Planner
M. Saeli, Acting Deputy Board Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:32pm.

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

Mr. Kevin O'Brien of 61 Parkview Drive, Hillsdale wished to discuss the proposed economic development plan and submission for NJDOT grant funding. Ms. Nabbie replied that this is a discussion for the governing body and not the Planning Board as the Board has no authority over either issue. As no one else wished to speak, the meeting was closed to the public.

MEETING MINUTES:

The *October 27, 2016 Meeting Minutes* were approved by the Board.

INVOICES:

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

PUBLIC HEARING:

PZ-08-12; 305 Patterson St., LLC; Block 1212, Lots 15 & 16; Esplanade & Patterson St. Major Site Plan with Use Variance application for new 40 multi-family housing complex in Industrial Zone

Counsel for the Applicant – Ira Weiner, Esq.

Chairman Giancarlo opened the meeting to the public starting where the last public meeting was adjourned, with closing comments from the public. Vice Chairwoman Calabria recused herself on the grounds that her objectivity is impaired because a family member wrote an editorial in the local newspaper.

Ed Mateo owner of 1 Esplanade Street, Hillsdale questioned Mr. Alter on his comments about the existence of flood gates on the Woodcliff Lake Dam. Mr. Alter replied that he had believed they were removed by Suez but had been corrected by the Board Engineer. Mr. Mateo then wanted to submit photographs of water standing on the applicant's property. Mr. Weiner

objected to the photographs on the grounds that they are not relevant since the plans meet DEP regulations. Ms. Nabbie agreed stating that it is too late to submit photos because expert witness testimony has already been given. There was then discussion on why the photos were not accepted at the original meeting where they were announced. Ms. Nabbie stated that at the time they could not establish who and when the pictures were taken, and that the original photographer must be present. She also explained that the applicant's engineer witness is not present to refute or confirm evidence in pictures.

Mr. Mateo then expressed concerns over the displacement of flood water by the project. He wished to submit a FEMA rate map. Ms. Nabbie denied same on the same grounds as the photographs. Mr. Mateo then expressed concerns that flood limits might be incorrect and that disturbing the topography might also cause issues. He then discussed the required buffers for the property and that the board is giving the applicant a "carte blanche" to change the property as he wishes. Mr. Wiener clarified that the applicant's plan for foliage meets the minimum 6 ft. height requirement. He explained that the Board is not giving the applicant a "carte blanche" and that they must come to the Board if they want to make changes to the site plan during construction.

Ms. Nabbie then stated that Dr. Lichstein will not be present at tonight's public hearing and an alternate would vote in his place.

Mr. Wiener and Ms. Nabbie then discussed flooding and DEP requirements. Mr. Weiner discussed how the stormwater system will not cause flooding and that given the building had been reduced in unit numbers, the applicant can also reduce on-site parking to allow for more green space for flooding reduction. The Board then discussed parking. Mr. Statile stated that if they exceed RSIS requirements the Board must notify the state after receiving written consent from the applicant.

Rick Cefali of 6 Manson Place, Hillsdale asked to submit pictures of property showing debris. Mr. Wiener objected on ground of pertinence. There was discussion on contents of pictures and appropriateness. Ms. Nabbie expressed concerns that there was no foundation laid for the photos as well as they were not evidentiary. Discussions continued about pertinence of photos. Photos were submitted for identification purposes only as **C-1** and distributed to the board.

Kevin O'Brien of 61 Parkview Drive, Hillsdale commented on the permissibility of the proposed residential use under the Master Plan. He then asked for rejected documents to be placed in a rejected documents folder. Ms. Nabbie replied that is not permissible and there are only folders for documents marked for evidence or identification.

Marisa Cefali of 6 Manson Place, Hillsdale discussed the history of the application. She then wished to clarify her answer to Ms. Kates from the last meeting, stating she would prefer nothing on the property or zoning that would allow a tree root system to remain in place. She then discussed affordable housing. Ms. Nabbie and Chairman Giancarlo cautioned Ms. Cefali on her use of language with the discussion of affordable housing. Ms. Cefali then expressed concerns with flooding and the rental cost of the apartments.

Donna Kamfor of 28 Esplanade Street, Hillsdale commented on other similar property applications and their outcomes. She then asked for clarification on the number of apartments. Chairman Giancarlo responded that there are 40 proposed units and clarified the affordable housing requirements.

Lori Charkey, a representative of SWAN, of 141 Demarest Avenue, Hillsdale stated she previously tried to purchase the property for open space and would continue to offer such an offer to the current applicant. Danielle Minoli of 87 Clinton Avenue, Hillsdale stated that she didn't understand why the applicant bought the property when it was zoned industrial. Al Garino of 556 Corbett Place, Oradell expressed the reasoning for the apartments and the good impacts the property would have. John Herring of 11 Chestnut Street, Hillsdale discussed the changes he has witnessed in Hillsdale. Frank Miel Jr. of Manhattan attested to the applicant's character.

Kathy Mallet of 34 Lake Drive, Hillsdale discussed her objections to the flooding and the concerns over the location. Barbara Phillips of 75 Forest Drive, Hillsdale commented on the accuracy of the FEMA plans.

As no one else wished to speak the meeting was closed to the public. At 9:22pm a short recess was called. The Board returned at 9:35pm and Mr. Wiener issued his closing statements. Ms. Nabbie stated the requirements the board must base their decision on. Board Planner Grygiel discussed the standards of municipal land use law and the requirements of positive and negative criteria. He also discussed the factors the Board can consider. Board Engineer Statile discussed the history of flooding in Hillsdale and commented that the Borough cannot change or override state approvals on the subject property. Ms. Biener asked Mr. Statile if the topography would change when the applicant removed debris and if the ground water would rise. Mr. Statile stated the applicant would refill excavations and raise the current topography to found the building and parking area on. Ms. Biener asked if there would be water in place of the debris and if they could still build if found. Mr. Statile said it would be possible and if groundwater was present they would still build. Ms. Kates asked if the applicant would put in swales. Mr. Statile replied that it is possible and depends on the season the excavation was undertaken. Mr. Alter asked if the groundwater will rise higher when the site is filled. Mr. Statile stated that it was possible but it most likely would not.

Chairman Giancarlo discussed the buffering of the site. Mr. Statile stated the site will have a foliage buffer. Chairman Giancarlo asked what the process is to reduce parking. Mr. Statile replied they can reduce parking to meet RSIS consistent with the number of units, and reserve space to expand parking later if needed. The Board further discussed the possible changes to parking. Mr. Alter asked about the easements granted and if there was an easement for a potential walking path. Mr. Statile replied there is a sanitary sewer easement but none for a walking trail. Chairman Giancarlo asked the process of providing an easement for a walking path. Mr. Statile replied with a short discussion on the process. The Chairman asked if the Board should request an easement of the applicant. Mr. Alter asked if the Board could make conditions for the easement. Mr. Statile replied yes they could.

Ms. Biener asked how the vegetated buffer is kept during construction. Mr. Statile replied a construction fence will be erected before construction starts. Without further questions from

the Board Ms. Nabbie discussed the Board should state their reasons for their vote and they should be based on the evidence presented. Chairman Giancarlo asked for a motion. Mr. Horvath made a motion for approval, Ms. Miano seconded the motion. The Board was polled – Ms. Miano, Mr. Horvath, Mr. Alter, Ms. Biener, and Chairman Giancarlo all voted in favor of the motion and the motion passed. Mr. Franco and Ms. Kates voted against approval.

Ms. Nabbie then outlined the conditions for approval with the applicant. Mr. Wiener expressed concerns about reserving an easement for the Borough walking path. Ms. Nabbie stated they would negotiate a walking path at a later date. Mr. Alter asked for clarification on the conditions for removing parking with a reduction of units. The Board discussed other possible conditions. Mr. Horvath suggested retaining all original parking on the property. The Board further discussed parking and stated the applicant will abide by the RSIS, and add spaces if necessary on an evaluation of parking six months after the building is fully occupied.

RESOLUTION:

***PZ-12-15; PSE&G Substation – Phase III; Block 1212, Lot 14; 295 Patterson Street
Approval of Major Site Plan with Variances***

Ms. Nabbie stated that she discussed changes to the resolution with Board Engineer Statile and stated them for the board. Mr. Horvath made a motion to pass the resolution. Mr. Alter seconded the motion. The Board was polled and all eligible Board members voted in favor of the motion and the motion was approved.

The meeting was adjourned at 11:04 pm.

Respectfully Submitted,

Meghan Saeli
Acting Deputy Secretary