

MINUTES OF THE NOVEMBER 25, 2014 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, E. Lichtstein, M. Kates, L. Calabria, Councilman T. Kelley,
F. Franco, J. Miano, J. Traudt, Z. Horvath

MEMBERS ABSENT: M. Giancarlo, Mayor M. Arnowitz

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney
Christopher Statile, P.E., Board Engineer
Caitlin Chadwick, Acting Deputy Secretary

Chairwoman Calabria called the meeting to order with a reading of the Open Public Meetings Statement at 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 *November 13, 2014* meeting minutes were approved by the Board.

BILLS:

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

2015 RFQ's:

Public notices for Request for Qualifications for 2015 Planning Board Professionals were approved by the Board for publication. The Deputy Secretary will submit these for publication.

RESOLUTIONS:

PZ-12-12; 225 Washington Ave., MJL, LLC; Block 1406, Lot 3; 150 Magnolia Avenue; Denial of use variance/zoning official appeal to operate recovering substance abuse multifamily dwelling in single-family residential zone was approved by the Board.

PZ-09-13; Laurjo Construction Co. & Joseph Gassib; Block 1109, Lots 2 & 3; 46 Beechwood Drive; Denial of minor subdivision application with bulk variances to relocate dividing line between two lots was approved by the Board.

Councilman Kelly recused himself from the public hearing at this time due to a potential conflict of interest with a relative of the applicant.

PUBLIC HEARINGS:

PZ-08-14; William Doody; Block 1208, Lot 3; 539 Piermont Ave.

Major site plan application with variances for change of use to outdoor landscape material storage and vehicle parking

Counsel for the Applicant – Greg Paster, Esq.

Witness William Edward Doody was sworn in before the Board. Mr. Doody is the applicant for 539 Piermont Ave., and the site is owned by 539 Piermont Ave., LLC not by Mr. Doody (as per the application).

Mr. Doody owns Trivali Landscaping, a landscape construction company consisting of 16 employees. He proposes to use the site for parking landscaping vehicles such as trucks, trailers and occasionally, machines for maintenance. Trivali Landscaping owns 15 trucks and 15 machines. The 15 trucks would be parked on site every night. Only one employee would be on site for the entirety of the workday and the remainder of the employees will arrive at 539 Piermont in the morning, travel to job sites, and return to 539 Piermont in the evening. Mr. Doody proposes to have 10 outdoor bins for storing landscaping materials; he will not store pesticides. The use of this property would only be for his landscaping construction company.

The underground fuel storage tank is to be removed. The fuel pumps have been removed.

It was confirmed that this property is in the “light industrial” zone. Board Engineer Statile stated that the zoning does not permit the proposed use, as the proposed use is not included in the zoning ordinance. Mr. Statile explained that the applicant needs a “d” use variance as outdoor storage is not permitted in the light industrial zone.

The hours of operation for Trivali Landscaping will be Monday through Friday, from 7:30am to 5:00pm; occasionally, the company will open for a half-day on Saturday.

Mr. Doody stated that de-icing salt will be stored at the site. If a client needs rock salt, Trivali Landscaping will purchase only the amount needed and transport it directly to the client. Mr. Statile stated that onsite open storage of materials is going to be a problem. He expressed concern about rainwater causing traces of the material(s) to travel into the street, where it will flow to the Pascack Brook and pollute the water. Even the DPW has to keep their salt under cover all year. Mr. Doody stated that the seven trees proposed for removal on the site plan are actually not being removed. The site plan will be revised prior to the next public hearing for this application to show actual proposed improvements. Mr. Statile asked Mr. Doody why he needed two 80 ft. wide drop curbs.

Witness Michael Hubschman, P.E., P.P. was sworn in before the Board and gave testimony regarding his site plan, explaining the existing conditions to the Board. Mr. Hubschman confirmed that the site is entirely paved, so Mr. Doody will not be increasing runoff. Mr. Doody will be keeping the existing building flood lights, and has already installed eight security cameras on one building. Mr. Hubschman stated that the applicant is proposing a fence along the easterly side of the property. Of the 10 bins proposed, 3-4 of them will be enclosed and the remaining bins will be covered. 18 parking spaces are being proposed on site.

Mr. Alter asked what will be stored in the proposed dumpster. Mr. Doody explained that mostly household waste will be placed here when a job site does not have waste bins available for employees to dispose of their lunch or other similar materials.

It was confirmed that the applicant applied for a “d” use variance and noticed properly for same.

Ms. Kates asked how late the applicant anticipates onsite activity. Mr. Doody stated the latest he anticipates on site activity is 6pm in the summer and 5pm in the winter, unless there is a snowstorm. Ms. Kates also asked Mr. Doody if he is going to recycle his materials. Mr. Doody stated that he has a separate bin for plastics, but plywood and similar materials go into the dumpster and the company who picks it up may separate it, but he doesn't know. Ms. Kates reminded Mr. Doody that State law requires you to recycle your waste.

Ms. Traudt asked Mr. Doody how the elimination of two parking spaces that encroach on the right-of-way would affect him; he replied that it wouldn't affect him at all.

Mr. Statile asked Mr. Hubschman if the owner is intending to re-pave the parking lot, as it appears to be in poor condition, based on photographs of the site. Mr. Doody said it actually is not in poor condition anymore, as he has made improvements to it since the submitted photographs were taken. Mr. Hubschman confirmed that Mr. Doody installed brick pavers in the parking lot. The applicant will submit photos of existing brick paver improvements with the revised site plan. Mr. Hubschman will also revise the site plan to show the proposed fencing along the easterly line of the property.

Mr. Statile stated that the applicant needs to provide a buffer along the two property lines (as a through lot). Mr. Doody asked if a green roof would be acceptable. Ms. Kates encouraged Mr. Doody to install a green roof, but Mr. Statile expressed that he will still also need to add some streetscape and buffer his property lines.

As it was confirmed that the Environmental Commission did not receive Mr. Doody's application, the applicant will submit a referral to the Environmental Commission along with the revised plans.

Mr. Paster stated that the applicant waives the statutory time frame for the Board to act. The application will be carried to December 16, wherein a date for 2015 will be assigned.

The Board then took a brief recess.

***PZ-07-14; William Doody; Block 1208, Lot 2; 74 Prospect Place
Major site plan application with variances for change of use for subleasing & landscape vehicle parking***

Mr. Doody was again sworn in before the Board. He stated that this property will be used for various purposes (it is situated next to the above property in prior applicaiton). It was confirmed that the applicant advertised for a “d” uses variance for this property. Mr. Doody explained that there are four potential lease areas inside the building and he is looking to rent to tenants who would not need exterior storage. No selection of tenants was provided to the Board.

He has spoken to 10-12 different potential tenants, including a limousine company, an air conditioning company, and another landscaping company, but has not yet secured any tenants, which is why he cannot state any exact uses. However, all uses would be interior uses with the only exterior use being parking of vehicles. Mr. Doody also stated that his tenants will not be retail tenants, so there would not be any customers travelling to the site.

Mr. Alter asked if any oil tanks are being proposed. Mr. Doody stated no there are not. Mr. Alter stated that he sees two of them on the site plan. Mr. Hubschman confirmed that the two oil tanks will be removed from the revised site plan.

Mr. Doody confirmed that the rooms in the building are divided by steel doors, which were pre-existing. Mr. Paster confirmed that this building was previously Finn’s Auto Body with one tenant and one use; Mr. Doody wants to make it a four-tenant building, plus his own landscape vehicle parking along the opposite lot frontage. Mr. Paster further stated that the use variance portion will become clearer one Mr. Doody knows who his tenants will be. Mr. Doody confirmed that he will not be changed any lighting on site, as there are already many exterior lights.

Mr. Statile stated that a commercial use requires commercial parking standards whereas an industrial use requires industrial parking standards. So depending on the tenants, the need for more parking may be necessary.

Mr. Doody stated that he proposes to lease the building as it currently is, without any renovation at all. He plans to rent to small businesses of 1-2 men, as the space cannot accommodate larger companies.

Photos of the site, taken by Mr. Doody in May 2014, were then marked Exhibits A-1 through A-5. Exhibit A-1 depicts Block 1208, Lot 2; Exhibit A-2 depicts Lot 8; Exhibit A-3 depicts Lot 10; Exhibit A-4 depicts Lots 8 and 9; and Exhibit A-5 depicts Lot 8.

The photos are described as follows:

- Exhibit A-1:** Rear view of my property from Piermont (fence)
- Exhibit A-2:** Neighbor on North side Piermont
- Exhibit A-3:** Neighbor on North side Piermont with steel garage doors
- Exhibit A-4:** Neighbor on North side Piermont with steel garage doors on left
- Exhibit A-5:** Neighbor on North side Piermont with 2 front doors

Ms. Traudt expressed concern over the appearance of Mr. Doody's deteriorated perimeter fence, and Mr. Doody confirmed he will repair the fence.

Mr. Paster then called Mr. Hubschman as his second witness, stating that he is still qualified as an expert in engineering and is still under oath. Mr. Hubschman reviewed and explained the site plan for the Board. Two notations were marked "oil tank" and the tanks have since been removed; he will update the site plan. Fencing is also being proposed along the easterly property line. Traffic will be coming in on the western portion. Mr. Paster confirms that the dumpster on site will be for office/individual waste, not commercial waste.

Mr. Statile then stated that the original site plan for the property was approved in 1972 with the existing building as it exists today, and it had 25 parking spaces. In 1995, Finn's Auto Body had a site plan approved where they eliminated one of the parking spaces, took out asphalt, and planted many trees in the public Right of Way. Mr. Statile stated that he does not recommend removal of these trees because now they are almost 20 years old and their presence is a benefit to the Borough. He further stated that Finn's Auto Body still had plenty of room for parking and he does not see why Mr. Doody would not have sufficient room as well with the existing number of parking spaces. Mr. Doody confirmed for the Board that he has not made any improvements to 74 Prospect Place.

The meeting was opened to the public. As no one wished to speak, the meeting was closed to the public. Mr. Paster stated that the applicant waives the statutory time frame for the Board to act. The application will be carried to December 16, wherein a date for 2015 will be assigned. The meeting was adjourned at approximately 10:03pm.

Respectfully submitted,

Caitlin Chadwick
Acting Deputy Secretary