

**MINUTES OF THE OCTOBER 11, 2018 PLANNING BOARD MEETING  
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: E. Alter, F. Franco, M. Kates, S. Riordan, D. Burlison  
Chairman M. Giancarlo, Mayor J. Ruocco

MEMBERS ABSENT: E. Lichtstein, Councilman F. Pizzella, Vice Chairwoman J. Miano  
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.

MINUTES:

The *September 13, 2018 Meeting Minutes* were approved by the Board.

INVOICES:

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

PUBLIC HEARINGS:

***PZ-08-18; Richard McCarthy, Jr.; Block 718, Lot 1; 20 Oak Street***

***Variance Application with FAR use variance for second story addition to existing single family dwelling***

Owner and applicant for the property, Richard McCarthy of 20 Oak Street, Hillsdale was sworn in to testify. Architect Andrew Fethes, of 613 Oradell Ave, Oradell was also sworn in to testify as an expert witness in architecture. Board Engineer Statile was sworn in as well.

Mr. McCarthy stated the dwelling is a small, one-bedroom home on a small, undersized lot. He proposes an addition which would convert the home to a three-bedroom dwelling with two and a half bathrooms. Mr. McCarthy stated the reason for the proposed addition is to expand the living space for his family and also to increase the value of the home.

A site plan dated 3/20/2018 was introduced to the Board and Mr. Fethes explained the details of same, stating that the overages on the front yard setback and impervious coverage are both pre-existing, non-conforming conditions of the subject property. Furthermore, an error was made on the plans previously distributed to the Board regarding the driveway which Mr. Fethes corrected; the correct driveway measurements are 52 ft. The proposed addition involves extending the second

floor by five feet over the deck, which is supported by five columns. The existing enclosed front porch will be removed and replaced with an open front porch. The existing full bathroom will be renovated and converted to a half-bathroom. FAR on the site was also discussed. Mr. Fethes reviewed the four variances needed for the proposed addition, confirming variances are needed for front yard setback, FAR, impervious coverage, and building coverage. Mr. Fethes continued to explain various aspects of the application, stating this would improve the front of the house and that the benefits outweigh the detriments.

Pictures were then provided to the Board and marked as **Exhibits A2-A6**. Mr. McCarthy explained what was depicted in each photograph, assisting the Board in understanding the nature of the subject property, surrounding properties, and proposed addition.

Mr. Statile discussed with Board Attorney Nabbie the two new ordinances recently approved by the Borough Council that would eliminate Mr. McCarthy's need for one of the variances he is requesting. Ms. Nabbie explained that the Board must adhere to the ordinances which were in place at the time the application was submitted and heard.

The meeting was then opened to the public. As no one wished to speak, the meeting was closed to the public.

Several Board members suggested the applicant change the walkway to pavers to eliminate some impervious coverage. Trees were discussed and it was determined Mr. McCarthy will trim a tree which is in the public right-of-way; Mr. Statile confirmed this is permitted. Ms. Kates asked if a seepage pit is required and Mr. Statile confirmed it is not. Chairman Giancarlo asked Mr. McCarthy's reasoning for the addition; Mr. McCarthy stated his son lives at home and three-bedroom homes are more desirable for resale than one-bedroom homes.

Mr. McCarthy stated he can remove one shed and change the walkway to pavers in order to reduce impervious coverage. At the request of the Board, Mr. Fethes and Mr. Statile calculated the changes which would occur if the applicant installed a paver driveway instead of an asphalt driveway. It was determined the impervious coverage would only be improved by a de minimis amount (2%) as opposed to how it presently exists.

The meeting was again opened to the public. As no one wished to speak, the meeting was closed to the public.

The Board asked if other designs were considered for the proposed addition; Mr. Fethes stated other designs were considered, however they were not nearly as feasible as the proposed design. The Board then entered a brief recess.

Upon return from the recess, Mr. Fethes stated Mr. McCarthy has agreed to remove the frame canopy from the shed which will eliminate the need for an impervious coverage variance; the driveway will remain as originally proposed.

Mr. Franco stated the proposed front porch is a full porch as opposed to the surrounding homes which do not have full porches. Mr. McCarthy stated there is a blue house shown in the provided photographs which has a full wrap around front porch. Mr. Burleson and Mr. Alter stated they are

pleased with the proposed addition and understand the need for it. Mr. Riordan concurred, and suggested the apron of the driveway be pavers instead of asphalt. The Board again entered a brief recess.

Upon return from its second recess, the Board made a motion to approve this application with conditions. The conditions are as follows: the applicant will remove the smaller shed on the property, as well as the canopy of the second shed; the walkway will consist of pavers which will be shown in revised plans to be submitted to the Board prior to adoption of a resolution. Mr. Alter made a motion to approve this application with the agreed upon conditions; Mr. Burluson seconded the motion. The Board was polled and the motion passed with six affirmative votes. The application was approved.

**BOARD BUSINESS:**

***MEL Land Use Liability Policy Training***

Mayor Ruocco entered the chambers. The Board agreed it would be best to proceed with the MEL Land Use Liability Policy Training on another evening – Tuesday, October 23, 2018 at 7pm. Ms. Nabbie stated she will need approximately 30 minutes to discuss same with the Board. Deputy Secretary Chadwick will notice for the time change to the meeting.

***PZ 01-18; Donald Oriolo; Block 2004, Lots 1 & 2.01; 23 Ruckman Ave. & 100 Piermont Ave.  
Minor Subdivision Application  
Carried from September 13, 2018***

Mr. Franco recused himself. Applicant Donald Oriolo was sworn in. Mr. Oriolo stated he sent a letter earlier today to Ms. Nabbie; Ms. Nabbie confirmed receipt of same. Mr. Oriolo stated the gas valve at the property is malfunctioning and PSE&G notified him it must be dug up. Furthermore, he stated that the electricity has been shut off and he has not been to the subject property in several days. Mr. Oriolo advised the Board to contact the assigned building inspector, Gary Rocket, if they have any questions regarding utility shut-off as the State has a different procedure and checklist than the Borough.

Chairman Giancarlo stated the Board is not currently ready to move forward on this application. Board Attorney Nabbie then discussed same with the Board and Applicant. Mr. Oriolo stated he did his due diligence and is concerned about Res Judicata in the event the Board dismisses the application without prejudice. He further stated he made documented efforts. Ms. Nabbie stated the Board received no such documentation. She stated she previously recommended Mr. Oriolo submit letters from all utility companies which state proof of disconnect for the respective utilities. Mr. Oriolo stated he believed the Board only required a demolition permit.

Ms. Nabbie advised the Board they can proceed in one of two different ways; dismiss the application without prejudice, or confirm extension of time with the applicant and reschedule the public hearing to a later date. As the application was only deemed conditionally complete, Ms. Nabbie stated the Board may not require the Applicant's consent to an extension of time, but recommended they obtain one regardless. The Board and Ms. Nabbie then discussed what would be a reasonable time frame for the extension of time. Due to concerns regarding Res Judicata, Ms.

Nabbie confirmed dismissing the application without prejudice would not be considered Res Judicata due to the fact that the Applicant has not complied with the Board's condition when the application was deemed conditionally complete.

Ms. Nabbie recommended the Board grant the applicant a 60-day extension to December 13, 2018. It was explained to Mr. Oriolo that if the building is not demolished by December 13<sup>th</sup>, the application will be dismissed without prejudice. Mr. Oriolo waived all time frame for the Board to act. Ms. Nabbie announced this previously deemed conditionally complete application is hereby carried to December 13, 2018 and in the event that Mr. Oriolo does not comply with the conditions, the application will be dismissed without prejudice. Mr. Oriolo confirmed he understood same.

The meeting was adjourned at 9:22pm.

Respectfully submitted,

Caitlin Chadwick  
Deputy Secretary