

MINUTES OF THE OCTOBER 13, 2016 PLANNING BOARD MEETING  
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Lichtstein, 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

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney  
C. Statile, P.E., Board Engineer  
P. Grygiel, P.P., Board Planner  
C. Chadwick, Deputy Board 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.

MEETING MINUTES:

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

INVOICES:

Invoices from C.P. Statile, P.A. and Phillips, Preiss & Grygiel, LLC 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 49 multi-family housing complex in Industrial Zone*

Counsel for the Applicant – Ira Weiner, Esq.

Mr. Weiner began by informing the Board that the owner of the property is present tonight to address any questions or concerns. Board Attorney Nabbie informed Mr. Weiner that Mr. Alter is an Alternate Member of the Board and has listened to all of the public hearing recordings for this application and is prepared to vote in the absence of a regular Board member.

Chairman Giancarlo gave a brief summary of the application for new members of the public present at the meeting, and stated that this application has been before the Board for twelve public hearings which amounts to about thirty hours of testimony. Chairman Giancarlo also explained the function of the Board, stating that it is the Board's responsibility to evaluate applications using NJ Municipal Land Use Law and Borough Ordinances. Furthermore, Board members are discouraged from answering residents' questions regarding applications outside of the public hearing forum.

Mr. Weiner called Mr. Frank Meli, owner of the property. The meeting was then opened to the public to question the witness. Marisa Cefali of 6 Manson Place, Hillsdale ~~passed out a document to the Board and~~ had questions regarding the proposed rent in relation to affordable housing units, and asked if Mr. Meli will take a monetary loss due to affordable housing. Mr. Weiner objected to the questions.

Kevin O'Brien of 61 Park View Drive, Hillsdale asked Mr. Meli why the Board should grant him a variance given the density on the site; Mr. Weiner objected. Mr. Weiner reviewed that there is a total of 8.67 acres at the site, 2.5 acres which will be developed. Mr. O'Brien requested that a document authored by Darlene Green, P.P. of Maser Consulting, Borough Planner, be marked and same was accordingly marked for identification by the Board. Two other documents offered by Mr. O'Brien were marked for identification, with those documents being a July 30, 2016 Article from the Record marked as OB-3 and the other document being a May 16, 2016 Memorandum from Mrs. Green to the Planning Board Attorney Nabbie, marked for identification as OB-2. Mr. Weiner objected to it being marked into evidence as the author was not present to be questioned. Board Attorney Nabbie confirmed that Ms. Green is the Hillsdale Borough Planner and is working on the Declaratory Judgment which is what one of the documents Mr. O'Brien passed out and referred to. Ms. Nabbie recommended that Board Planner Grygiel should weigh in on any site density calculations. Mr. Weiner read the definition of density from the MLUL. Board Planner Grygiel stated he concurs with Mr. Weiner's definition of density, which is "the gross acreage of the lot," not just the developable portions thereof.

Ms. Cefali asked Mr. Meli if he has a certified Administrative Agent currently on his payroll to rent the affordable housing units on the project; he replied no. Ms. Cefali also referenced an article she read in *The Record* which stated vacancies are at an historic high and asked Mr. Meli why he could not build on a vacant site where its use would be permitted in the municipal ordinance. Mr. Weiner objected.

Mr. Rich Correr of 21 Clayton Street, Hillsdale asked approximately how many children would enter the public school system as a result of this application; Ms. Miano responded that Rutgers conducted a study which estimated nine children. Mr. Grygiel clarified that the study was conducted in 2006. Parking standards and requirements were also discussed.

Kevin O'Sullivan of 26 Lake Street, Hillsdale asked Mr. Meli if he would rent to ex-convicts. Mr. Weiner objected. Mr. O'Sullivan also asked Mr. Meli if he would rent to homeless people; Mr. Weiner objected.

Rick Cefali of 6 Manson Place, Hillsdale asked Mr. Meli what will attract regular market value renters to rent at this housing complex if there are no sidewalks. Mr. Meli replied there will be sidewalks and that the beauty of the Borough and the apartments, as well as their proximity to the train station and center of town will attract tenants. Mr. Meli stated that he will not discriminate against prospective tenants but will however, abide by Meghan's Law. Mr. Cefali also asked about the affordable housing allocation to which Board Attorney Nabbie responded. The stormwater management system was discussed. The system was originally moved to surface detention at the Board's request, however the soil test pits revealed the system did not function properly. The site was elevated, and the detention system was moved back underground, as shown in the original site plans.

Kurt Wolckenhauer, 19 Hopkins Street, Hillsdale asked Mr. Meli how many handicapped-accessible apartments he will have; Mr. Meli replied all apartments will be handicapped-accessible.

Simon Wilson from West New York asked Mr. Meli if he will accept "Section 8" subsidized housing."

Joanne Manole of 87 Clinton Avenue, Hillsdale asked what amenities make the apartments "luxury" apartments. Mr. Meli explained that there will be an elevator, a gym, all purpose room, built in vacuums in every unit, granite countertops in every unit, a washer and dryer in every unit, etc. Ms. Manole also asked what the dynamic of renters will be and asked questions related to the nearby waste transfer station regarding noxious odors and truck traffic.

Kevin O'Brien, 61 Park View Drive, Hillsdale asked questions regarding affordable housing allocations bedroom sizes; It was confirmed that there will be no difference in the bedroom sizes between affordable units and regular market rate units.

Donna Kamfor of 28 Esplanade Drive, Hillsdale asked Mr. Meli if he will allow renters to have pets and he responded yes, he will. Ms. Kamfor then asked what the difference will be between 49 dogs in the apartment building versus 49 dogs in a nearby, new grooming facility; Mr. Weiner objected. Board Attorney Nabbie then explained that when voting, this Board cannot and will not consider issues such as the one raised by Ms. Kamfor outside of site planning and zoning issues. Ms. Nabbie continued that the Board can only consider whether or not this applicant is entitled to a use variance relief when voting. Ms. Kamfor asked Mr. Meli what his plan is for snow removal during the winter months given the 90-96 space parking lot. Mr. Meli stated that he will have his own trucks on site to remove the snow.

Leon Sorkin of 30 Hazelwood Avenue, Hillsdale asked Mr. Meli if he ever discussed flooding with Suez. Mr. Alter talked about the recent dam reconstruction above the site, and how it operates as a simple spillway versus using prior variable discharge bascule gates.

Mr. Sorkin also asked why Mr. Meli lifted the elevation 7 ft. and Board Engineer Statile stated that it was to allow for underground stormwater detention above the water table.

Another member of the public asked if Mr. Meli will provide dog waste bags on his property and Mr. Meli confirmed he will. Marisa Cefali, 6 Manson Place, Hillsdale asked Mr. Meli about the realignment of Patterson Street. Mr. Meli confirmed that he is splitting the cost of this endeavor with PSE&G, but has not yet discussed the matter with PSE&G.

Andriette Matthews, 85 Ralph Avenue, Hillsdale asked about restrictions on traffic egress and Mr. Statile confirmed there is no restriction on exiting the site.

Roberto Petingi, 41 Beechwood Drive, Hillsdale asked about the environmental impact of stormwater. Mr. Statile stated that the applicant is required by State law to reduce the amount of stormwater leaving the site and explained that the proposed stormwater management system is a 'retention' versus 'detention' system which captures all the runoff water, meaning no stormwater leaves the site except in cases where the 100-year storm event is exceeded. Mr. Statile explained the difference between a detention system which holds water back, and a retention system which slowly releases water reducing the peak discharge rate. Furthermore, Mr. Statile stated, as Borough Engineer he inspects all of the constructed stormwater management systems during rainstorms to ensure proper functioning. The State also requires that maintenance be conducted every year on stormwater management systems to ensure the system are functioning as designed; these tests are reportable to the Borough and then to the State. The system the applicant proposes is designed to drain/discharge all water into the ground within 72 hours of the rainfall event. The stormwater starts to drain immediately into the ground through perforations in the underground pipes.

Rich Corrieri, 21 Clayton Street, Hillsdale asked Mr. Meli if he is willing to reduce the number of units; Mr. Weiner explained that the number of units was already reduced from 57 to 49. Joanne Ingis, 67 Standish Road, Hillsdale asked about a generator backup system. Mr. Meli replied there will be a generator backup system. Board Engineer Statile interjected to Mr. Meli that there is no generator shown on the site plan and Mr. Meli explained that it wasn't shown due to the fact that it will probably be inside the building.

Kevin O'Sullivan, 26 Lake Drive, Hillsdale asked how long Mr. Meli holds his properties for and Mr. Meli explained he plans to keep the property and in the event that he didn't, the ownership would transfer to his son. Barbara Phillips, 75 Forest Drive, Hillsdale asked if Hillsdale's "floodplain manager" has weighed in on this. Mr. Statile explained that the flood plain manager would be the Borough's construction official and that yes, she has weighed in on the matter. Ms. Phillips also asked Mr. Meli if he has considered the nearby "electromagnetic fields" being produced by PSE&G.

The meeting was then closed to the public. The Board had the opportunity to question Mr. Meli. Dr. Lichtstein asked Mr. Meli if he looked at developing something that would fit into the Borough's existing industrial zone. Mr. Meli replied he did consider it as did the previous owner, however industrial buildings are not being built in northern New Jersey and he thought this would be better use for the Borough. It was confirmed that the apartment building will be 20 ft. high and the applicant will plant 16 ft. tall Norway Spruce trees along the residential border of the site. Mr. Alter asked how long the property has remained vacant; Mr. Meli replied that it has always been vacant. Mr. Alter asked if Mr. Meli tried to market it for industrial use and Mr. Meli explained that Mr. Walsky attempted that when he owned the property, and was unsuccessful. Mr. Alter also confirmed that PSE&G's Substation will not be generating or exposing any electromagnetic fields.

Ms. Miano asked about landscaping on the site. Vice Chairwoman Calabria spoke about remaining acreage on the site which is undevelopable and stated that the property is zoned for industrial and can be utilized as such. Vice Chairwoman Calabria also asked about parking and expressed concerns regarding the availability for tenants. Dr. Lichtstein asked if the Board can request more parking spaces from the applicant than what is required under the RSIS. Mr. Statile explained that the Board can, however they would need to inform the State of the reason for making the departure from the standards and the request would be subject to agreement from the State. Chairman Giancarlo expressed concerns regarding car headlight's from the site trespassing onto nearby residents' home during nighttime hours. Chairman Giancarlo also confirmed with Mr. Statile that the generator is not being installed outside the building due to the fact that it is not shown on the site plan. Additionally, Chairman Giancarlo spoke about plans for a walking path and asked Mr. Meli if he would be willing to give the Borough an easement for such a path. Mr. Meli replied that he would be happy to provide an easement subject to conditions. Mr. Weiner interjected that the Borough would need to insure the easement for liability and take full responsibility in the event that anyone gets injured on the walking path. Concerns about density and parking were also addressed.

Lastly, Chairman Giancarlo asked Mr. Meli if he would be willing to eliminate 10 units due to the high density of the site. The Board then took a recess to allow the applicant to consider the Board's questions. The Board returned from recess at 10:15pm. Mr. Weiner stated that his client is willing to reduce the number of units to 40.

Vice Chairwoman Calabria asked if the building will have the same footprint and Mr. Weiner answered yes, as Mr. Meli would try to leave everything the same other than eliminating the nine units. The number of parking spaces would be reduced to 80 and the height may be lowered; there would be two less units allocated to the affordable housing need. The Board and Ms. Nabbie then discussed whether the Board would vote on the present application with the condition to hold the adoption of resolution until revised plans have been submitted, or vote at a later date once revised plans have been provided. Mr. Weiner spoke about his previous request to bifurcate the application and requested again that the Board bifurcate and vote on the use variance this evening. Ms. Nabbie and Mr. Statile advised the Board against bifurcation. Mr. Weiner agreed to extend the adoption of the resolution and revise the plans.

The Board then began to hear closing comments from the public. Kevin O'Brien, 61 Park View Drive, Hillsdale spoke about a memo dated May 16, 2016 from Darlene Green, PP; this memo was marked for identification purposes only as Exhibit **OB2**. **OB1** was an article Mr. O'Brien referenced. Ms. Nabbie spoke about the affordable housing 'matrix' (OB2) and explained that it is was only a placeholder for the Borough to begin its litigation to estimate the affordable housing obligations; the matrix was a starting point. Mr. O'Brien also spoke about traffic concerns and Board Planner Grygiel's August 10<sup>th</sup> letter to the Board. It was confirmed Mr. Grygiel's letter was already marked into the record. Mr. O'Brien spoke about a recently conducted census which was marked for identification only as **OB4**.

Kathy Mallet, 34 Lake Drive, Hillsdale expressed concerns that the apartment building will decrease the value of her home and was also concerned it will cause additional traffic issues, especially if Waste Management returns. Ms. Kates asked Ms. Mallet why she thinks an apartment building would decrease the value of her home more so than a conforming industry building. Ms. Mallet explained she thinks that an industry building would be quieter, especially during weekends. Ms. Mallet also stated she has dealt with stormwater issues on her street for four years and still does not know if the issue has been corrected. Mr. Statile explained that the issue on Lake Street was a crack in an old clay pipe from the 1920s which was repaired; there was also an obstruction in another pipe which he believes has been repaired as well.

Marisa Cefali, 6 Manson Place, Hillsdale passed out flooding issues flyer and commented that an underground stream runs across Lake Street and the storm drains run constantly on the street. Ms. Cefali also presented photographs of the applicant's site with varying levels of water on it and asked where the seepage water will go as this water is already present on the site. Ms. Cefali also spoke about the previous owner who may have dumping asbestos and blacktop onto the property and claimed that the applicant will need mandatory flood insurance. Ms. Cefali asked Mr. Statile if he sent NJDEP a letter with his concerns and Mr. Statile replied that he did at the time the applicant filed for a permit, but he had concerns other than flooding. Ms. Cefali stated that the applicant's Letter of Interpretation and NJDEP Permit are both expired. Ms. Cefali referenced items from the 2009 Master Plan and stated that she and her neighbors "almost feel like sacrificial lambs" and stated she will need to sell her house if this proposed apartment building is approved.

Patrick DeLucca, 255 Lincoln Avenue, Hillsdale and Connie Kercher, 22 Lake Drive, Hilldale expressed similar concerns regarding existing and potential future flooding issues. James Mallet, 34 Lake Drive, Hilldale stated he is sorry the applicant purchased the property prior to obtaining approval and recognized the risk Mr. Meli took. Mr. Mallet opined that Waste Management should remain closed; an R4 Zone use is a better use and the area should be zoned for R4 entirely; and the S curve on Patterson Street should remain in order to discourage speeding. Leon Sorkin, 30 Hazelwood Avenue, Hillsdale stated flooding is a major concern of his as well as the footprint size of the development. Mr. Sorkin opined that the area has not been developed historically because it is not practical and would cause a catastrophe in the wetland area. Gloria Petingi, 41 Beechwood Drive, Hillsdale expressed similar concerns regarding the wetlands area and flooding. Ed Mateo, 1 Esplanade Street, Hillsdale stated that he doesn't think it is appropriate after two years of public hearings to not allow members of the public more time to speak and to wait until the late hours of the meeting to try and fit in everyone's closing comments.

Due to the late hour, Chairman Giancarlo decided to carry the application and public comments, and assured Mr. Mateo that the Board will hear his comments first at the next public hearing. The application was carried to November 22, 2016 at 7:30pm without further notice to the public; this announcement is the notice. Mr. Weiner stated his client waives the time for the Board to act until November 22, 2016.

The meeting was adjourned at 11:35pm.

Respectfully submitted,

Caitlin Chadwick  
Deputy Secretary