

**MINUTES OF THE OCTOBER 22, 2019 PLANNING BOARD MEETING  
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: E. Lichtstein, E. Alter, M. Kates, Vice Chairwoman J. Miano, F. Franco, S. Riordan, D. Burseson, Chairman M. Giancarlo, Councilman Z. Horvath, Mayor J. Ruocco

MEMBERS ABSENT: S. Raymond

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney  
C. Statile, P.E., Board Engineer  
L. Leheny, P.P., Acting Board Planner  
C. Ryan, Board Deputy Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:35pm.

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 24, 2019 Meeting Minutes* and the *October 10, 2019 Meeting Minutes* were approved by the Board.

BILLS:

*Cleary Giacobbe Alfieri Jacobs, LLC Invoices* were approved by the Board for payment.

RESOLUTIONS:

*Resolution No. 2019-15; Resolution Appointing Conflict Counsel* was approved by the Board.

DISCUSSION:

*Block 1205, Lot 8; 273 Broadway LLC*  
*As Built - Site Plan Deviations*

Due to a conflict, Board Attorney Nabbie recused herself from the following discussion.

Neil Tortora, Esq. appeared before the Board as Acting Board Attorney for this matter. Mr. Tortora stated that any non-compliance must come from the Construction or Zoning Official. Board Engineer Statile stated he is simply asking the Board what they would like him to do regarding the deviations from the site plan. Mr. Tortora stated the Board Engineer may also act on the matter by issue of letter to the developer, however the Board itself does not have jurisdiction to act. Mr. Tortora elaborated the resolution stands on its own and governs the matter. Dr. Lichtstein stated Mr. Statile should issue the letter and move forward in a manner that he typically would in a situation of violation. Mr. Statile stated the Board is a signing party to the Developer's Agreement and is therefore still engaged and does have jurisdiction. It was stated that the Building Department did not check the plan that was approved by the Board prior to issuing a permit to the builder. Mr. Statile stated he will issue a letter.

PUBLIC HEARINGS:

***PZ-09-19; Block 1116, Lot 8; Juli-Ann Truppi; 41 Maple Ave.***

***Bulk variance application for reconstruction of an existing front porch and relocation of entryway stairs***

The applicant's architect, Lisa M. Cohen of LMC Architecture appeared before the Board to discuss the application. Ms. Cohen stated the application is for the reconstruction of a front porch which is collapsing inward. The existing footprint is non-compliant. Board Engineer Statile agreed with Ms. Cohen's description of the application. Ms. Cohen discussed other architectural aspects and details of the application including the variances being sought by the applicant. It was confirmed no trees will be removed.

The meeting was then opened to the public. As no one wished to speak, the meeting was closed to the public. The existing gravel driveway was discussed by the Board in regard to whether or not the Board wishes to prohibit the applicant from paving the driveway in the future. Mr. Statile and Ms. Cohen discussed the existing and potential impervious coverage amount of the property. It was confirmed that if the applicant did pave the driveway in the future, the impervious coverage would still be well within what is required by the Borough. The FAR was also discussed.

Councilman Horvath made a motion to approve the application. The motion was seconded by Mr. Franco. The Board was polled and the motion passed; the application was approved.

***PZ-06-18 Block 1308, Lots 15 & 16, RJN 333, LLC, Applicant, 333 Washington Ave.***

***Four-Lot Major Subdivision with Bulk Variances***

It was confirmed the application is being adjourned to November 26, 2019 at 7:30 pm.

Councilman Horvath and Mayor Ruocco recused themselves at this time due to the use variance involved with the following public hearing.

***PZ-08-19; Block 1212, Lot 14; PSE&G; 295 Patterson Street & Block 1209, 18; 319 Knickerbocker Ave.***

***Major Site Plan with Variances associated with 69kV upgrade***

Engineering witness Randy Kenchelik appeared before the Board to continue the discussion regarding the engineering aspects of the application. It was confirmed the service area can accommodate growth in the service area. Regarding EMF there has been no change in the regulations. Mr. Kenchelik explained there are currently two transmission lines coming in to the site and the purpose of the upgrade is to provide an additional line so in the event the existing two lines both fail, a power outage can be prevented by way of the third line. One of the two existing lines is currently under construction, and there is a contingency plan in place for maintenance. Mr. Kenchelik explained this is referred to as N-1 planning criteria. PJM oversees the electrical grid in the area and has deemed this work of adding a third line required due to the amount of people this substation serves.

Dr. Lichtstein asked how much is enough in regard to the addition of a third transmission line and Mr. Kenchelik replied again this is not a wish list item but required to be added to the site as mandated by the BPM and PJM. Dr. Lichtstein stated he is concerned about detriment to the public. Mr. Kenchelik stated it is not a matter of this being possible work to do anywhere else, it is required to be done at this substation.

Ms. Kates inquired about what PSE&G's usual plan is for having emergency services access a substation when the substation is located in a residential area. Mr. Kenchelik confirmed there is not a published plan that would be available however PSE&G is willing to meet with emergency services as a condition of approval. PSE&G also has an emergency services team who would respond in the event of an emergency and do what is necessary to make the site safe for the Hillsdale Fire Department to enter. It was confirmed

the facility is remotely monitored 24/7. Mr. Kenchelik also confirmed that a portion will be underground and PSE&G is still finalizing the details with the Borough officials. The Board discussed poles on the site. Board Attorney Nabbie confirmed these poles are in the public right of way and are not something the Board can or should discuss. Rather, the Board must focus on the two variances being sought by PSE&G.

Photographs of the site from Patterson Street were marked as **Exhibit A5**. It was confirmed there is a wetlands area nearby. It was also confirmed that PSE&G previously agreed to donate land to realign Patterson Street. Mr. Kenchelik stated he is happy to work with the Board and find something that will work for everyone. It was confirmed there will be decorative metal fencing along one of the walls on the site.

The meeting was opened to the public at this time. As no one wished to speak, the meeting was closed to the public. The Board then had the opportunity to electrical engineering witness, Andrew Martin on his previously given testimony. Mr. Burluson asked if the Board denied the application, what the work around would be. Mr. Kenchelik stated in the event of that outcome, PSE&G would be in non-compliance and there would not be a work around. Furthermore, such a situation would create liability for Hillsdale and the surrounding area. It was clarified that this project is not a result of weaknesses with any prior PSE&G projects. In fact, there are no weaknesses with the prior project, standards and planning criteria simply evolved and PSE&G must evolve with those changes. Mr. Kenchelik also clarified that the last project was not unreliable. The current project had not yet been identified at the time when PSE&G last appeared before the Board for their prior approvals. Lighting masts were discussed. Mr. Kenchelik stated the 69kv lines are reliable because they're networked together throughout the entire state of NJ; the same is true of the higher voltage lines. It was also confirmed that overhead restoration times are much faster than with underground feeds. Mr. Kenchelik concluded by stating there is a mandate and PSE&G is attempting to comply with same by way of this application.

The third witness was Paul Ricci, P.P. Mr. Ricci reviewed all the planning aspects and details of the application. He also reviewed the criteria stating the application is an inherently beneficial use and meets the positive criteria under the laws. The proposed use is permitted for the zone. As stated previously, the applicant seeks three variances including one for building height. It was confirmed the switch equipment will be located inside the building, and transformers located outside the building. This is a more reliable electric system with lower maintenance needs. It is not a need to maximize profits on behalf of PSE&G but rather a need to maximize essential function to the community. Necessary permits have already been received from NJDEP as previously testified.

At this time, the meeting was opened to the public. As no one wished to speak, the meeting was closed to the public. As there were no remaining expert witnesses needing to testify, counsel gave summary of the application. It was confirmed that PSE&G would be happy to work out aesthetic details of the project with a subcommittee of the Board. Other conditions of approval were discussed including pre-planning with various municipal departments, and landscaping. Vice Chairwoman made a motion to approve the applications with the determined conditions of approval. This motion was seconded by Mr. Franco. The Board was polled and the motion passed; the application was approved.

At this time, the following Board members were appointed to the PSE&G Subcommittee: Vice Chairwoman Miano, Mr. Riordan, and Chairman Giancarlo. Ms. Kates made a motion to approve the appointments, which was seconded by Dr. Lichtstein. The motion passed and the appointment of the members was approved.

#### OTHER BUSINESS:

Ms. Kates asked Mr. Statile about the permit extension for the Preserve at Hilldale property. Mr. Statile stated the property owner will be reappearing before the Board.

Vice Chairwoman Miano asked Mr. Statile about a new restaurant that recently opened in town. Mr. Statile stated this matter would be under control of the zoning officer. Ms. Kates confirmed the restaurant is a permitted use for its location. Mr. Statile stated the zoning officer will ask the Board to look at it if he believes there to be any issue with same.

The meeting was adjourned at approximately 10:00pm.

Respectfully submitted,

Caitlin Ryan  
Deputy Secretary to the Board