

BOROUGH OF HILLSDALE

Planning/ Zoning Board

MINUTES

October 22, 2024

7:30 PM

Chairwoman Kates called the meeting to order at approximately 7:30 pm. Deputy Secretary Janeiro recited the Open Public Meeting Statement and Pledge of Allegiance.

MEMBERS PRESENT: Chairwoman M. Kates, Vice Chairman S. Riordan, Secretary S. Raymond, Mr. E. Alter, Mr. D. Friedman, Mr. S. Griep, Dr. A. Weinberg , Council Liason Trochimiuk and Mayor Sheinfield

MEMBERS ABSENT: Ms. G. Guzman and Mr. S. Sammarco

EMPLOYEES PRESENT: Ms. Allyson Kasetta, Board Attorney (Conflict Attorney)
Mr. Marc Leibman, Board Attorney
Mr. Chris Statile, Board Engineer
Ms. T. Janeiro, Deputy Secretary

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

The meeting was then opened to the public for matters not on the agenda. There being none, the meeting was closed to the public.

<u>INVOICES</u>				
<u>CSG LAW</u>	<u>Total</u>	<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
622400	\$1000.00	S. Raymond	M. Sheinfield	Passed
622401	\$92.50			
622402	\$240.50			
Total -	\$1333.00			

<u>INVOICES</u>				
<u>Christopher P. Statile, P.A.</u>	<u>Total</u>	<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
2024-27	\$220.00	S. Raymond	A. Weinberg	Passed
Total -	\$220.00			

MEETING MINUTES

September 12, 2024

<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
S. Raymond	D. Friedman	Passed

RESOLUTION

#2024-18

PZ-09-24

Block 1624 / Lot 10; 215 Lincoln Avenue

Michael Larsen

Front Portico and Roof Over Existing Rear Patio

Front Yard Setback Lincoln Avenue and Oakland Avenue, Rear Yard Setback, Building Coverage, Impervious Coverage and Floor Area Ratio

A motion was made by Dr. Weinberg to approve the amended memorialization resolution. The motion was seconded by Vice Chairman Riordan, and carried by a roll call vote as follows:

Chairwoman Kates	Yes
Vice Chairman Riordan	Yes
Secretary Raymond	Yes
Mr. Alter	Yes
Mr. Friedman	Yes
Dr. Weinberg	Yes

MAYOR AND COUNCIL REFERRAL

Secretary Raymond has recused himself from this application.

Conflict Attorney Ms. Allyson Kasetta will be the Board Attorney for this Mayor and Council Referral.

Ms. Kasetta swore in Planner Mr. Francis Reiner from DMR Architects. Mr. Reiner presented the consistency review on behalf of the Mayor and Council for the Patterson Street Redevelopment Plan amendments.

Please see Mr. Reiner’s attached seven-page consistency review.

Mr. Reiner stated that the Mayor and Council are fully on board with this plan.

Ms. Kasetta spoke about how a Mayor and Council referral works. The Council has the authority in this matter, but according to NJMLU procedures, the Mayor and Council must refer to the Planning Board for comments and for confirmation that a new ordinance is not inconsistent with the Borough’s Master Plan.

Ms. Kasetta went over why a Master Plan is needed for every municipality. She said it serves as the framework for the town.

Board Planner, Mr. Behrens went over his attached letter dated October 14, 2024 in detail.

He made the following comments:

Self-storage uses were previously permitted on Block 1210 and now are only permitted on Block 1208 Lot 1. This will relocate the self-storage use from parcels adjacent to the multifamily development on Blocks 1211 and 1210 to the southwest corner of the redevelopment area at the intersection of Prospect Place and Piermont Avenue.

Vehicle storage has now been added as a permitted use for Block 1209 and is currently located on Block 1208.

The New Jersey DEP has specific Stormwater Management conditions. The site must be better post-construction than pre-construction.

The impervious coverage has been changed from 70% to 85% on Block 1208 and from 85% to 90% on Block 1209.

Board questions of Mr. Reiner:

Mr. Alter

Spoke about the proposed building height at 58 ft. / 4 stories. He also spoke about more traffic with the self-storage use. Mr. Reiner said a self-storage facility poses much less traffic. Mr. Alter said we should not increase the size of the self-storage.

Mayor Sheinfield

Spoke about the landscape buffer and how he is concerned with flooding. He asked how soil would be detained. Mr. Reiner said there is nothing in the plan that talks about soil retention, as this would be discussed during the site-plan application.

Dr. Weinberg

Would Block 1209 have any more impervious coverage? Mr. Reiner said now they are already at 90% impervious coverage.

Mr. Griep

Asked about the vehicle storage and structures. Mr. Reiner said if a building was removed, it would not be permitted to be rebuilt. The current storage of vehicles on Block 1208 will be moved to Block 1209.

Mr. Friedman

Asked about a stipulation to prevent parking stackers.

Chairwoman Kates

Asked Mr. Statile if this project is considered major development. Mr. Statile said the applicant will have to comply with all DEP standards as Block 1209 is in a floodway and he is very concerned with the parking of vehicles and other things in that area.

October 22, 2024

7:30 PM

Vice Chairman Riordan

Spoke about Block 1208 previously coming before this Board and how they are already breaking the resolution.

Mr. Alter

Spoke about where vehicle storage was not previously permitted, parking areas and impervious coverage.

Mr. Friedman

Questioned the Block and Lot locations of the self-storage and vehicle storage.

Vice Chairman Riordan

Spoke about the C1 Waterway

Mr. Griep

Asked why the height was previously three stories and now it has been increased to four stories. Mr. Reiner said financially the project would not work at three stories.

Mayor Sheinfield

Believes this is the best use we could get for this location as it would not increase traffic flow.

Mr. Friedman

Questioned the parking requirements. Mr. Behrens said that vehicle storage would have no parking requirements. He spoke about the potential parking impacts. Mr. Reiner discussed.

The amendment requires an eight-foot landscape planting in lieu of sidewalks. A sidewalk discussion took place.

Vice Chairman Riordan

Questioned buffers

Mr. Behrens discussed driveway set-backs, self-storage loading requirements, parking area landscape requirements and parking area screening and fencing.

A conversation was had pertaining to the façade, windows, and stucco.

Mr. Reiner had to leave the meeting at 8:45 p.m. due to a previous commitment in another town. Attorney Mr. Joseph Baumann is present in the audience to answer any of the Board's questions.

Vice Chairman Riordan asked if Block 1209 is considered a sensitive area. Mr. Statile said the Flood Plain is generally considered environmentally sensitive.

Ms. Kasetta said the Board's review has found Ordinance No. 24-15 to be substantially consistent with the Boroughs Master Plan.

The Board has the following comments regarding the Redevelopment Plan:

Section VII.A

The Board recommends that additional provisions be added to prohibit the use of vehicle stackers and the open storage of materials, chemicals, equipment, and items other than vehicles.

Section IX.A.3.g

The Board recommends that the increased impervious coverage limit of 85% on Block 1208 be applicable solely to self-storage use and that residential use continue to be limited to 65%.

Section XI.A.6.b

The Board recommends that the landscaped buffer for vehicle storage use on Block 1209 be located on the property to be developed and not within the Borough right-of-way.

Section X.A.3.g

The Board understands the Borough's intent to prohibit multiple vehicular access points within a single lot frontage. The Board recommends language to explicitly set forth such a probation.

Section XII.A.1.a.ii

The Board recommends that the exemption from the prohibition of barbed wire, electrical, chain-linked and vinyl fences for properties within the flood hazard area be eliminated and that decorative fencing be required for all uses.

Section XV.B.2

The Board recommends that the minimum requirement of 65% brick and glass be applicable to all building facades, not just facades facing a public street. The Board further recommends that EIFS and stucco material be prohibited on all building facades.

The Board recommends several maps be corrected on the Redevelopment Plan:

Map 6 on pages 15 and 50 should be updated to reflect the new impervious coverage requirements.

Map 8 on pages 16 and 52 should be updated to reflect the new self-storage tract area requirement.

Map 9 on pages 25 and 53 should be updated to reflect the elimination of the sidewalk requirements for Block 1209.

The boundary of the FEMA 100-year floodplain depicted on Map 11 should be confirmed.

The meeting was then opened to the public for questions and/or comments on this referral.

Mr. Scott Raymond – 8 Cottage Place / 55 Prospect Place

Mr. Raymond owns property five blocks away from this area. He stated that he has had to push cars in his area because of flooding, and his building is not in a flood area. His biggest concern is the trucks, cars, fuel, fertilizer, and paving equipment that are stored in this area near a C1 waterway. The storage is moving closer to the waterway. Mr. Raymond spoke about the setbacks, parking issues in that area and the DEP requirements.

Mr. Mike Ghassali – 20 Serrell Drive, Montvale. Hillsdale’s Borough Administrator.

Mr. Ghassali believes this is the best location of this use. He said last Friday Hillsdale was given a 220-unit obligation. If a developer has interest in this property, it could potentially be a residential building. He commented, good job by all.

Anthony Marchigiano – March Developers.

Mr. Marchigiano spoke on behalf of the developers working on this project. He said they are choosing to go above the DEP requirements and allowing the floodwaters to pass through. There will be flood storage below the building. He spoke about the impervious coverage and the \$100 million dollar project that will be next door.

Vice Chairman Riordan stated that these applications will need to come to the board for site plan approval.

Chairman Kates asked if a Board member can serve on Mayor and Council and vote on the consistency of the Master Plan. Ms. Kasetta said yes, as the Planning Board is an independent body, so a member can serve both roles.

It was asked if the Master Plan consistency review is all or nothing. Ms. Kasetta replied it can be substantially consistent. Attorney Mr. Joseph Baumann said they are looking if the referral is substantially consistent or not consistent. It is also very helpful to hear the Boards comments.

A motion was made by Vice Chairman Riordan to find the proposed Mayor and Council Referral substantially in line with the Master Plan. The motion was seconded by Dr. Weinberg and carried by a roll call vote as follows:

Vice Chairman Riordan	Yes
Mr. Alter	No – Presents challenges in environmentally sensitive areas and he has an issue with the height.
Mr. Friedman	Yes
Mr. Griep	No – Issue with the floodwaters and the height.
Dr. Weinberg	Yes
Council Liaison Trochimiuk	Yes
Mayor Sheinfield	Yes

Chairwoman Kates No – Against environmental standards.

A Board discussion was had regarding their findings regarding the consistency of the Redevelopment Plan.

A motion was made by Vice Chairman Riordan to formalize the recommendations to the Mayor and Council regarding the amendment to the redevelopment plan. The motion was seconded by Mr. Alter and carried by a roll call vote as follows:

Vice Chairman Riordan	Yes
Mr. Alter	Yes
Mr. Friedman	Yes
Mr. Griep	Yes
Dr. Weinberg	Yes
Council Liaison Trochimiuk	Yes
Mayor Sheinfield	Yes
Chairwoman Kates	Yes

Ms. Kasetta will prepare the comments and send a letter to the Mayor and Council.

CONTINUED HEARING

PZ-02-24
Block 1517 / Lot 13; 32 Riverdale Street
Michael and Fran Kanter
Existing Patio, Retaining Walls and Outdoor Kitchen
Impervious Coverage and Patio/Kitchen Setback

Attorney Leibman and Secretary Raymond were present for this application.

This hearing is continued from July 11, 2024. Attorney Joseph Marinello of Hartmann Doherty Rose Berman & Bulbulia in Hackensack, New Jersey, was present for this hearing. Mr. Marinello was not present at the July 11, 2024 hearing.

Mr. Griep and Council Liaison Trochimiuk were both not at the July 11, 2024 hearing. However, they both certified that they have watched the recordings and are eligible to vote on this application.

Mr. Marinello said the Board was very concerned with the two-foot setback. Therefore, they redesigned, and although they did not eliminate the variance, the new design has a six-foot setback, where ten feet is required.

Mr. Steve Koestner from Koestner and Associates in Hackensack, New Jersey, was sworn in by Mr. Leibman. Mr. Kostner gave his background and experience and was accepted as an expert witness.

Exhibit A-1 Final As-Built Survey dated October 27, 2023 and revised on August 16, 2024.

Mr. Koestner went over the property, existing patio, retaining walls, and outdoor kitchen. He said the redesign was more comparable with the ordinance. It could not be moved back and further because the rear yard setback is 25 feet. He went over the impervious coverage calculations.

Mr. Statile said the following variances would be required:

Setback: 6 ft.

Lot Coverage: .13%

Impervious Coverage: Was 407 sq. ft., now 385 sq. ft.

Mr. Statile asked if there was any proposed outside lighting. Mr. Koestner said no, only what is presently on the property.

Board Questions of Mr. Koestner:

Mr. Griep

Is there any other location this outdoor kitchen could be located to that they would not need a setback variance? No, this is the most practical location.

Is there a fence or any thought to a fence? Yes, a fence or a landscape buffer has been discussed.

Secretary Raymond

Why wasn't the structure moved 10 feet? It would block the staircase.

Mr. Alter

Spoke about the staircase to the home from the patio. He thinks the size of the steps could be reduced. He is also concerned about the flame from the grill being too close to the home. He asked if the kitchen has been moved yet. No.

Vice Chairman Riordan

Spoke about the required setbacks of accessory structures from property lines and principal structures. A variance will also be required for the setback of the accessory structure to the principal structure.

Mr. Friedman

Questioned Setbacks. Asked if the home met all the other bulk requirements. Yes. Questioned if this was a hardship variance. Mr. Koestner said yes and spoke about lot coverage and other potential locations for the outdoor kitchen. Asked if the pavers could be cut back. Mr. Koestner said no. Asked about stormwater collection. None is existing now.

Dr. Weinberg

Spoke about ways this could have been designed to be more conforming.

Mayor Sheinfield

Asked if there was ever a fence there. No. Asked about a letter from neighbors. Mr. Marinello said it is not admissible.

It was asked if a neighbor put up a fence, would it be an issue with the heat of the grill? The applicants professionals said they are not qualified to answer that.

Council Liaison Trochimiuk

No questions

The meeting was then opened to the public to ask questions. There being none, the meeting was closed to the public.

A recess was taken from 10:30 p.m. until 10:36 p.m. All members are still in attendance.

Mr. Marinello spoke to his clients and amended the application to move the kitchen 7 feet to the setback, push the kitchen 2 feet to the rear, one foot from the principal structure, and the impervious coverage calculations will be determined

Mr. Libman said a final as-built can be a condition of the application.

Mr. Marinello summarized the application. He said his clients never should have proceeded with this project without the proper permits. His clients will obtain the proper permits. He said it is a cost hardship to move the kitchen. Originally the kitchen setback was two feet, and now it is seven feet.

Mr. Leibman said the following variances are required:

Side Yard: Three Ft.

Setback to existing home: Nine Ft.

Impervious Coverage: A final As-Built will be required to confirm the impervious coverage calculations.

Mr. Alter spoke about a timeline for completion until the end of May.

A motion was made by Mr. Alter to approve the application. The motion was seconded by Secretary Raymond and carried by a roll vote as follows:

Vice Chairman Riordan	No
Secretary Raymond	Yes
Mr. Alter	Yes
Mr. Friedman	No
Mr. Griep	No

Dr. Weinberg	No
Council Liaison Trochimiuk	Yes
Mayor Sheinfield	Yes
Chairwoman Kates	No

The motion did not pass.

DISUCSSION

Chairwoman Kates said the RFQ submissions are on schedule with the Hillsdale Council now. All are due on November 7, 2024 and will be opened at the November 14, 2024 Planning Board meeting.

The checklist review will also be discussed at the November 14, 2024 meeting.

The meeting was then opened to the public for any questions. There being none, the meeting was closed to the public.

ADJOURNMENT:

The meeting was adjourned at approximately 10:49 p.m.

Next Public Hearing - Thursday, November 14, 2024 7:30 pm; Borough Hall Council Chambers