

**MINUTES OF THE JANUARY 26, 2021 PLANNING BOARD MEETING (VIRTUAL)
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: E. Lichtstein, E. Alter, M. Kates, J. Miano, S. Riordan
Council President Z. Horvath, D. Burleson, D. Friedman, Mayor J. Ruocco,
M. DiPisa,

MEMBERS ABSENT: Scott Raymond

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney
C. Statile, P.E., Board Engineer
T. Behrens, Board Planner
R. Hamman, Deputy Secretary

Chairman Burleson called the meeting to order at approximately 7:30pm. Secretary Kates recited the Open Public Meetings Statement and Pledge of Allegiance.

PZ-08-20, BLOCK 119, LOT 14: MATESIC, 61 CEDAR ST ANNOUNCEMENT

Ms. Nabbie stated that the applicant did not publish notice so they can not be heard. They will need to publish notice and an new hearing date will be established. The Board suggested February 11 and the applicants will be heard on that date if all of the information is provided to the Board attorney within the 10 day period prior to the meeting.

PZ-07-20, BLOCK 1908, LOT 11: RIBLER, 117 HIGHLAND AVE ANNOUNCEMENT

Ms. Nabbie stated that applicant's council was ill and unable to attend. The applicant will not need to re-notice and the hearing will be carried to the meeting on the February 11, 2021.

APPROVAL OF INVOICES

A motion was made by Mr. Riordan and seconded by Ed Alter to approve the invoices for Cleary Giacovem Alfieri, and Jacobs. The Board was polled and the motion passed.

BOARD BUSINESS

Reappointments

Council Liaison Horvath was reappointed to the Planning Board and sworn in accordingly with an Oath of Office.

Chairman Burleson was reappointed to the Planning Board and sworn in accordingly with an Oath of Office.

Dr. Elliott Lichsteing was reappointed to the Planning Board and sworn in accordingly with an Oath of office.

Secretary Kates was reappointed to the Planning Board and sworn in accordingly with an Oath of Office.

Mr. DiPisa was reappointed to the Planning Board and sworn in accordingly with an Oath of Office.

Chairman Burlison thanked everyone for serving. These are volunteers and the town is very well served.

RESOLUTIONS

2021-9

PZ-05-20 Bank of America, Block 1102 Lots 2 & 3, 84 Park Avenue

A motion was made by Mayor Ruocco and seconded by Council Liaison Horvath. The Board was polled and the motion was passed.

2021-2; Appointment of Planning Board Chairman

2021-3; Appointment of Planning Board Vice Chairman

2021-4; Appointment of Planning Board Secretary

2021-5; Appointment of Planning Board Deputy Secretary

A motion was made by Council Liaison Horvath and seconded by Mr. Alter. The Board was polled and the motion was passed.

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

Meeting was open to the public.

Whitney Stanbury questioned 40 Central and she was told that it was on the agenda. The meeting was closed to the public

PUBLIC HEARINGS

PZ-03-20, Block 1407, Lot 14

Bergen County United Way/Madeline Housing Partners, LLC, 40 Central Avenue

Mayor Ruocco and Council Liaison Horvath recused themselves from the hearing.

Mr. DelVecchio, attorney for the applicant stated they were appearing on a motion of reconsideration. They heard the Boards concerns regarding the application and elected to make changes to the application.

Removal of remaining bulk variance for combined side yard setback which renders the application fully conforming to the bulk standards for this zone and to the extent that the Board believes a variance for the 2 upstairs apartments are necessary, they are continuing with that request and are asking the Board to reconsider their vote based on the resubmission of revised plans. Documents were submitted in advance of the meeting and should be marked.

A-6: Affidavit of re-notice. A7, December 23, 2020 letter of reconsideration.

A-8: Single sheet architectural plan, last revised November 18, 2020.

A-9: Revised plot plan consisting of 4 sheets. Last revised December 18, 2020.

Ms. Nabbie suggested that anyone speaking tonight should be sworn in again.

Applicant was before the Board in November 2020 and the Board voted to deny the application.

Ms. Nabbie reiterated that the applicant has filed a motion for reconsideration and has made concessions eliminating the side yard setback to the extent that the Board believes a D1 variance is required and has been applied for by Mr. DelVecchio. Ms. Nabbie asked to have the Board planner weigh in and stated that group homes are permitted in all zone districts within the municipality. Ms. Nabbie stated this is an inherently beneficial use and the Board needs to consider this. Applicant made various concessions following all of the many prior hearings over the past several months. Applicant agreed in order to address the Board with concerns with regards to the 2 supporting units above the group home. The applicant agreed among other conditions such as residential lighting and landscaping changes to position the home in a manor less intrusive on the neighborhood. Ms. Nabbie confirmed with Mr. DelVecchio that the changes proposed would remain in place.

Mr. Behrens, planner, reiterated that the C variance has been eliminated The Board has a fully conforming application. The requirement of a D variance (2nd floor apartments) is a bit of a gray area. Groups homes can allow supportive services. The applicant is making changes to lighting, parking etc.

Mr. Behrens (Planner) and Mr. Statile (Engineer) were sworn in. Mr. Hals (Engineer) was sworn in as well.

Mr. DelVecchio asked Mr. Hals to describe changes made to the plans. Plans revised December 18, 2020. Revised side yard set-back. The architect reduced the width of the house 4.2 feet. The dwelling is now conforming with the side yard set- back. The building coverage is reduced, the impervious coverage is reduced and the FAR is reduced. The entire proposal is conforming with the ordinance. Mr. Hals was asked if any other changes have been made. Landscaping has been moved. The trash location was not moved, but will be moved to the left rear corner of the house. No other changes will be made. Mr. Hals confirmed that the plans fully comply with the bulk standards for this zone. Mr. Hals stated that his prior testimony will stand with the application. Mr. DelVecchio asked if the removal of the side yard setback is a further enhancement of removal of any substantial negative impact. Mr. Hals confirms.

Mr. Statile has no questions for Mr. Hals.

Chairman Burluson confirmed with Mr. DelVecchio that while making the new structure narrower, it is still not longer. The new Structure will still be under F.A.R.

Chairman Burluson opened the discussion up to the Board.

Mr. Riordan had no questions.

Mr. Alter asked for comment regarding negative criteria. Mr. DelVecchio stated there were no negative criteria.

Mr. Alter asked for comments regarding positive criteria. Mr. DelVecchio stated that the proposed use of the property, the home and two additional units were positive. Also, the fact that staff members would be residing in the two units would have positive impact and there would be a reduction in traffic.

Ms. Kates asked if changes were made to landscaping. Changes were made per suggestion by the board. Species were changed not eliminated. Nine trees were taken and will be replaced with 33 trees.

Dr. Lichstein had no questions.

Mark DiPisa had no questions

Mr. Friedman had no questions.

Ms. Miano had no questions. She thanked Mr. DelVecchio for making the changes and eliminating the variance.

Chairman Burleson wanted to clarify the deed restriction for the two additional apartments. Mr. DelVecchio stated that the occupants were employees or professionals associated with the home. Chairman Burleson stated it should be a (D1) variance.

Chairman Burleson asked Ms. Nabbie questions regarding issues/conditions with respect to the reconsideration of the application. Ms. Nabbie stated she has memorialized them in notes and if the application is approved, they will be in the Resolution.

Chairman Burleson opened the discussion to the public for comments and questions.

Erin Hampton, 15 Cross St., raised concerns regarding the 2 apartments above the group home.

Elaine Meyerson 27 Winthrop supported the application and welcomes BCUW to Hillsdale.

Adam Hampton, 15 Cross St, commented on the home and asked a question regarding the zoning laws for this residence. (existence of apartments).

Mr. DelVecchio commented that many group homes have 24-hour staff on site. The difference is merely the location of the apartments on the second floor.

Bill George, 50 Central had a question regarding staff living in the apartments. He also had a question regarding the structure itself and how it will not fit with the rest of the neighborhood.

Loni L, 57 Stockton, had a question regarding the occupants of the 2 apartments and the effect on trash pick-up and future occupants of the apartments.

Tim O'Reilly asked a question regarding the 2 apartments and how it adds to the size of the structure.

Erin Hampton, 15 Cross St, asked if the deed restriction could be viewed by the public.

Nylema Nabbie stated the deed restriction is reviewed by Council.

Wayne Guskind, 26 Central Ave, commented on the changes made to the new structure and the size in comparison to the rest of the neighborhood.

Matthew Morrison, 103 Conklin, commented about the group home conforming with the neighborhood.

Bill George, 50 Central, had a question regarding property taxes being paid by the occupants in the 2 apartments above the group home.

Teresa Henry, 14 Cross St, had concerns regarding the apartments above the structure rather than on the first floor.

Discussions were closed to the public.

Chairman opened comments up to the Professionals.

Ms. Nabbie reminded the Board that this is regarding the D1 variance not esthetics. She stated one of the Board members was not present. She wanted confirmation that the alternate was able to vote. Mr. DelVecchio stated the alternate could vote if he was present. Mr. Friedman confirmed he was eligible to vote.

Mr. Behrens had no comments

Mr. Statile had no comments. He asked that Mr. DelVecchio summarize.

Mr. DelVecchio stated that the application started with a certain set of facts. The Board, Professionals and the public had their say expressed concerns about the initial application. BCUW heard all concerns and addressed them all. The house conforms to bulk standards and the lot is bigger than most in the neighborhood. The Board has asked for safeguards on assurances that the accessory nature of the second- floor apartment being there was to service the residents of the group home. Deed restrictions were put in place to accomplish that. Landscaping was changed. Lighting was changed and the garbage location was shifted. Although the home will be modern, it should fit in seamlessly with the neighborhood.

Chairman Burlison confirmed with Ms. Nabbie that the applicant filed a motion for reconsideration and resubmitted revised plans. All revised conditions will be in resolution.

A motion was made by Ms. Miano and seconded by Ms. Kates. The Board was polled and the motion passed. The application was approved.

The meeting was adjourned.

Respectfully Submitted,

Robin Hamman
Deputy Planning Board Secretary
Borough of Hillsdale