

BOROUGH OF HILLSDALE

Planning/Zoning Board

MINUTES

December 4, 2023

7:30 PM

MEMBERS PRESENT: Chairman S. Riordan, Vice Chair M. Kates, Secretary S. Raymond, E. Alter, D. Friedman S. Griep and J. MacEwen

MEMBERS ABSENT: A. Berliner, L. Thoms, Council Liaison J. Escobar and Mayor J. Ruocco.

EMPLOYEES PRESENT: G. Randazzo, Board Attorney
C. Statile, P.E., Board Engineer
T. Janeiro, Deputy Secretary

Chairman Riordan called the meeting to order at approximately 7:33 pm. Deputy Secretary Tonya Janeiro recited the Open Public Meeting Statement and Pledge of Allegiance.

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.

INVOICES

Invoices for professional services were reviewed and submitted for approval.

<u>INVOICES</u>				
<u>Professional</u>	<u>Total</u>	<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
Christopher P. Statile, P.A. 018-138	\$315.00	S. Raymond	M. Kates	Passed
Christopher P. Statile, P.A. 2023-29	\$762.50			
Total -	\$1077.50			

MEETING MINUTES

October 24, 2023

<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
Chairman Riordan	Mr. Alter	Passed

RESOLUTIONS

Resolution # - 2023-12
Case # - PZ-02-23
Block 704 Lot 11; 79 Beech St
John Sayers
Existing Covered Deck
Bulk Variances

A motion was made by Mr. Alter to approve the resolution. The motion was seconded by Mr. Friedman, and carried by a roll call vote. The motion passed.

COMPLETENESS

PZ-05-23

Block 1622 Lot 4; 307 Evergreen Street

Irene Davis Revocable Trust

Single Family Home Addition

Front Yard Setback, Side Yard Setback, Rear Yard Setback, Building Coverage, Impervious Coverage and Floor Area Ratio.

Mr. Chris Statile, the board engineer, was sworn in by the board attorney.

Mr. Statile spoke about the application. The applicant proposes to construct an addition to an existing dwelling. The applicant is seeking multiple bulk variances and a use variance due to the Floor Area Ratio exceeding the maximum permitted for the zone. Mr. Friedman inquired about the survey. Secretary Raymond inquired about the existing floor area ratio. A motion to approve the review was made by Secretary Raymond and seconded by Mr. Griep. The Board was polled and the motion passed. The hearing date will be set for a January 2024 date.

HEARINGS

PZ-04-23

Block 2002 Lot 26; 6 Willow Brook Road

Selina Ramoutar and John Bonomolo

Pool & Pool Equipment

Bulk Variances

The following people were sworn in by the board attorney to offer testimony:

John Bonomolo

6 Willow Brook Road

Hillsdale, NJ 07642

Mr. Andrew Bolson from Meyerson, Fox, and Conte was present as the applicant's attorney.

Mr. Bolson stated that the applicant was seeking bulk variances for existing conditions resulting from deviations from a previously approved plot plan. The applicant received building permits for an in-ground swimming pool and pool equipment that were in compliance with the zoning regulations. During construction, the pool and pool equipment were relocated causing non-conformities. The property abuts a Bergen County owned park.

The construction of the pool and pool equipment created the following non-conformities:

- Swimming Pool Setback: 6.8 ft. to paver patio where a minimum of 10 ft. is required.
- Swimming Pool Equipment Set-back: 0.00 ft. where a minimum of 10 ft. is required.

Exhibit A-1 – Approved pool plan submitted to the Hillsdale Construction Department.

Mr. Bonomolo explained how the actual pool construction differs from the approved original plans.

Mr. Bonomolo stated that they were not aware that the pool and equipment were too close to the setback line.

Exhibit A-2 Tax Map

Exhibit A-3 Satellite View

Exhibit A-4 through A-8 Existing Photo Conditions of the Property

Mr. Bonomolo said they had some discussions regarding installing privacy trees, but due to the remediation of the pool, the landscaping had to be put on hold.

Board members asked the following questions of Mr. Bonomolo:

- Where was the previous equipment located?
- Same location but further away from the property line.
- What is the date of the approved plans?
- May 23, 2021.
- When was the pool constructed, was the plan submitted to the contractor and how long did the pool take to complete?
- 2021, yes and two months.
- When did you not realize the pool and equipment was not installed in the proper location.
- I was slightly aware of the side yard setback issue, but once the fence was installed, I realized.

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- What was the name of the pool company?
 - Monarch Pools.

 - Are you in litigation with Monarch Pools.
 - We may be.

 - Were any survey markers installed at the time of construction?
 - Possibly.

 - The photograph shows a neighbor's fence. Wouldn't that have helped with the property line location?
 - The fence does not determine the end of the neighbor's property line.

 - What is your plan for future landscaping?
 - We plan to hire a landscape architect.

 - Who was in charge of hiring the professionals?
 - We were.

 - No one called for a stakeout?
 - Not aware.

 - What is the pool material?
 - Vinyl.

 - Is the lot conforming?
 - Yes.

 - Did you install any seepage pits?
 - No. Mr. Bolson said his client will consider of need be. Mr. Statile stated that under 500 sq. ft. of coverage a seepage pit is not required. Pool surface does not count in the coverage calculations.

Mr. Statile asked who decided to change the orientation of the pool and the location of the equipment. Mr. Bonomolo replied, the pool company.

Mr. Randazzo asked if there was a reason that it was necessary to flip the pool. Mr. Bolson replied no.

The applicants' engineer, Mr. Charles Osterkorn, was sworn in and accepted as an expert witness. Mr. Osterkorn's daughter, Kiersten of Omland and Osterkorn prepared the plans.

Mr. Osterkorn stated that the property's topography runs towards the county park. He then discussed the pool and equipment setbacks and run off.

Exhibit A-1 – As-Built prepared for tonight’s meeting.

Mr. Osterkorn states that the pool was not steaked out as the applicant did not request it. The plans were drawn from a previous survey the applicant had.

Mr. Osterkorn discussed the October 4, 2022 denial from the Borough Zoning Official, Mr. Steven Loesner.

Board members asked the following questions of Mr. Osterkorn:

- Is there any reason the pool could not be installed in the original location?
- No

- Were there any inspections completed during the time of construction?
- No

- How did flipping the pool effect run off?
- It didn’t. He believes this is a better design due to the location of the stairs.

- Did you ever tell the applicants to flip the pool.
- No

A discussion was had pertaining to the pavers.

The patio and deck were existing.

A discussion was had pertaining to the location of the pool equipment.

Mr. Randazzo asked if the original plan required any variances? Mr. Bonomolo replied no.

The meeting was open to the public to ask questions of Mr. Osterkorn.

Mr. Kevin Harmony – 125 Ruckman Avenue

Mr. Harmony asked Mr. Statile how the water line is measured. Mr. Harmony told the board that his neighbor said their property lines were not correct. Mr. Harmony then had his property re-surveyed and his original survey was correct.

Mr. Sue Harmony – 125 Ruckman Avenue

Ms. Harmony stated that she was not pleased with this whole process. She said because of this discrepancy, she had to have her property surveyed twice. She believes she is entitled to a written statement from the town explaining the situation. Ms. Harmony said she was told by the zoning official that the applicant deviated from the plans, not the builder.

Chairman Raymond stated that he knows Mr. Harmony. It is not a conflict of interest.

Chairman Rearden explained the process and procedures for obtaining building permits that do not require variances.

Mr. Statile spoke about how this exact issue came up in another town he represents and they board had the applicant take off the portion of deck that is non-conforming.

Mr. Alter commented that it is upsetting to hear such contradicting testimony.

Mr. Raymond spoke about taking off some of the patio and moving the pool equipment. Mr. Griep agrees.

Mr. Friedman asked if there were any hardships. Chairman Rearden replied that it's a self-imposed hardship.

A break ensued from 8:53 pm to 9:01 pm.

Attendance was called upon return from break. All previous members were in attendance after the break.

Mr. Bolson asked to have the hearing carried to the December 19, 2023 hearing. He would like to converse with the pool company to see what the potential options are and revise the plans.

This hearing will be carried to the December 19, 2023 meeting at 7:30 pm. No additional notice is required.

DISCUSSION

RFQ – Ms. Janeiro will notice for 2024 Hillsdale Planning Board Professionals.

2024 Dates – A discussion was had pertaining to the potential 2024 dates. Ms. Janeiro will put the voting of the 2024 dates on the December 19, 2023 agenda.

ADJOURNMENT:

The meeting was adjourned at 9:22 pm.

Next Public Hearing - Tuesday, December 19, 2023 7:30pm; Borough Hall Council Chambers