

BOROUGH OF HILLSDALE

Planning/Zoning Board

MINUTES

May 28, 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.

ADMINISTERING OATH OF OFFICE

Oaths of office were administered by Mayor Sheinfield to the below board members for the positions noted.

- Ms. Gia Guzman – Class IV, Term Expiring 12/31/24

MEMBERS PRESENT: Chairwoman M. Kates, Mr. E. Alter, Mr. D. Friedman, Mr. S. Griep, Ms. Guzman, Dr. Weinberg, Mr. S. Sammarco, Council Liason Trochimiuk and Mayor Sheinfield

MEMBERS ABSENT: Vice Chairman S. Riordan, Secretary S. Raymond,

EMPLOYEES PRESENT: 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>
609853	\$1000.00	E. Alter	A. Weinberg	Passed
609912	\$25.89			
609913	\$74.00			
609914	\$74.00			
Total -	\$1123.75			

<u>INVOICES</u>				
<u>Christopher P. Statile, P.A.</u>	<u>Total</u>	<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
1120.05329	\$5556.25	G. Guzman	A. Weinberg	Passed
2024-12	\$248.75			
2024-13	\$277.50			
2024-14	\$248.75			
2024-15	\$220.00			
2024-16	\$220.00			
Total -	\$810.00			

MEETING MINUTES

April 30, 2024

<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
M. Sheinfeld	D. Friedman	Passed

MEETING MINUTES

May 9, 2024

<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
M. Sheinfeld	S. Sammarco	Passed

HEARING

PZ-06-24

Block 2201 / Lot 12; 5 Strawberry Hill Road

Marianne Illian

6 Ft. Fence Front Yard

The following people were sworn in by Mr. Leibman to offer testimony on this application:

Marianne Illian – 5 Strawberry Hill Road, Hillsdale (Homeowner)

The applicant seeks to replace the 5-foot high wood fence along Ruckman Road and a portion of the fence within the front yard to Ruckman Road with a 6-foot high vinyl fence.

The following variances are required:

Existing Non-Conformities:

1. **Fence Height:** 5-foot high wood and 6-foot high vinyl in front yard to Ruckman Road. Front yard is described as the area between the property line bordering Ruckman Road and the front setback line (a line setback 50.0 feet from the property line).
2. **Lot Area:** 12,365 SF existing vs. 15,000 SF required.
3. **Front Yard Setback (corner lot):** dwelling 25.0 ft. to Ruckman Road and 24.4 ft. to Strawberry Hill Road versus 50 ft. required.

Proposed Variances

1. **Fence Height, Section 310-56B:** The 6-foot fence is proposed within the 50 ft. front yard setback of Ruckman Road. Fences on residential properties shall not exceed 4 ft. in height when located at a distance closer to any street line than the required front yard setback line (50 ft.).

A 4 ft. maximum height is permitted vs. 6 ft. proposed, a difference of 2 ft.

Ms. Illian stated that she wants a 6-foot fence to match the existing fence currently on her property.

The existing fence code was adopted on May 5, 2009.

Ms. Illian said she received a permit on July 6, 2021 to install the other portions of her fence on the property. She was denied a 6-foot fence on the Ruckman side.

The existing 5-foot wooden fence was put up many years ago and is in disrepair.

Board Questions of Ms. Illian:

Mayor Sheinfield:

Is an above ground pool in the corner. Ms. Illian answered yes. Mayor Sheinfield asked what the pool code fence is. Mr. Statile answered 4-feet.

Mr. Friedman:

Mr. Friedman stated that a corner lot has two front yards. He asked what the front yard setback is. Mr. Statile answered 50 ft.

Ms. Guzman:

Ms. Guzman asked the applicant if she wanted a 6-feet fence all around. Ms. Illian replied yes.

Ms. Illian said she looked over previous meeting minutes from when her neighbor received approval for their 6-foot fence. Chairman Kates said each application is looked at as if it is unique.

Ms. Illian said she believes the 6-foot fence would be aesthetically pleasing and it also gives her a sense of security from people walking by on the street.

It was asked how high the wall is that the fence will be placed on. Ms. Illian replied approximately 2 ft.

Council Liaison Trochimiuk:

Council Liaison Trochimiuk pointed out that there was a mistake on the survey. Ruckman Rd. was not written on the survey properly. It shows the west side of the property is Strawberry Hill Road, when in fact it is Ruckman Road.

Council Liaison Trochimiuk asked why she cannot keep a 5-foot-high fence. Mr. Leibman commented that it should be a Pre-Existing Non-Conforming condition and she should be permitted to replace the fence like for like. Ms. Illian said she spoke with the Zoning Official, Mr. Steve Loesner and he said since she did not receive a permit when the original fence was installed, she would need to apply for a variance if she was to construct anything over a 4-foot fence.

Council Liaison Trochimiuk asked how the fence is measured. Mr. Statile said from grade level.

Mr. Griep:

Mr. Griep went over the submitted photographs. He asked if the fence will be all solid or solid and lattice. Ms. Illian replied all solid with a gate.

Mr. Sammarco:

Mr. Sammarco asked about the sight distance. Mr. Statile answered 25 ft.

Ms. Illian said she is putting in a new electrical panel soon and the panel will need to be out of the fence line.

Mr. Sammarco asked if she previously received a fence permit for the rest of the vinyl fence. Ms. Illian said yes in 2021.

Dr. Weinberg:

No questions

Mr. Alter:

Mr. Alter said he visited the site and really has an issue with the line of sight. He has an issue with a 6 ft. fence.

Chairwoman Kates:

Chairwoman Kates asked if there was landscaping outside of the fence area. Ms. Illian replied that there recently was, but she took all the landscaping out.

Mr. Statile said you could move the fence back a bit more and add some landscaping buffering. To visually make the fence appear smaller.

Ms. Illian said her garage window is located right next to the fence and she feels safer with the 6-foot fence.

Mr. Leibman said a 6-foot fence seems too tall. He believes a 5-foot fence with lattice seems like a compromise. It gives you the security, but its not tall enough that a person could hide behind unseen. He believes the 5-foot fence should have been granted.

Council Liaison Trochimiuk asked about the two front yards.

Dr. Weinberg said he likes the idea of a 5-foot fence, 4-feet solid and 1-foot lattice.

Mr. Griep asked why type of variance would this be. Mr. Leibman said he believes it could be a C1 Hardship. The home is located on a corner property, it is located on a busy county road and the fence would be for security purposes. Mr. Leibman stated that no application should set a precedent, it is important to always see what construction and board applications are going on in the neighborhood.

The meeting was open to the public to ask questions of Ms.Illian. With no public present the meeting was closed to the public.

Mayor Sheinfield asked a question pertaining to the existing wall on Ruckman Road. He reconfirmed that the zoning official would not permit a 5-foot fence direct replacement. Ms. Illian said no.

A conversation was had pertaining to the line of sight. Mr. Statile said even a 3-foot fence could obstruct traffic.

The board was polled as to whom would approve a 6-foot fence. With a majority of the members saying no.

The board was polled as to whom would approve a 5-foot solid fence. With a majority of the members saying no.

The board was polled as to whom would approve a 4-foot solid fence with a 1-foot lattice attached, total 5-feet. A majority of the members said yes.

Ms. Illian asked if she can construct the new fence immediately, or if she needed to wait for the resolution. Mr. Statile said she can sign a waiver in the building department.

A condition of the resolution would be that board engineer will inspect the fence for height. A motion was made by Mayor Sheinfield to approve the application with the fence being 4-foot solid and 1-foot lattice (total 5-feet). The motion was seconded by Mr. Sammarco, and carried by a roll vote as follows:

Mr. Alter	Yes
Mr. Friedman	Yes

Mr. Griep	Yes
Ms. Guzman	Yes
Dr. Weinberg	Yes
Mr. Sammarco	
Council Liaison Trochimiuk	Yes
Mayor Sheinfield	Yes
Chairwoman Kates	Yes

DISUCSSION

Chairwoman Kates said that the committee is reviewing the board checklist.

Mayor Sheinfield said they are in discussions to install a cell tower by a major provider by the pool. This will increase coverage by the pool and the high school. Mr. Statile said there is a new cell tower being installed in River Vale. Mayor Sheinfield said that would not help Hillsdale's coverage in that area.

There are no Affordable Housing updates.

Council Liaison Trochimiuk has no updates.

The meeting was open to the public. With no public present the meeting was closed to the public.

ADJOURNMENT:

The meeting was adjourned at approximately 8:45 pm.

Next Public Hearing - Thursday, June 13, 2024 7:30 pm; Borough Hall Council Chambers