

BOROUGH OF HILLSDALE

Planning/Zoning Board

MINUTES

July 11, 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, Ms. G. Guzman, Dr. A. Weinberg and Mayor Sheinfield

MEMBERS ABSENT: Mr. S. Griep, Mr. S. Sammarco and Council Liason Trochimiuk

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>Christopher P. Statile, P.A.</u>	<u>Total</u>	<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
2024-17	\$543.75	M. Sheinfield	S. Raymond	Passed
2024-18	\$110.00			
2024-19	\$110.00			
2024-20	\$462.50	PASSED ALONG	TO THE	BOROUGH
Total -	\$763.75			

MEETING MINUTES

June 13, 2024

<u>Motion</u>	<u>Second</u>	<u>Outcome</u>
M. Sheinfield	S. Riordan	Passed

RESOLUTION

Resolution #2024-14
PZ-05-24
Block 504 / Lot 7; 11 Ellen Court
Antero Cortes
Covered Patio
Rear Setback

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

Chairwoman Kates	Yes
Vice Chairman Riordan	Yes
Mr. Alter	Yes
Mr. Friedman	Yes
Dr. Weinberg	Yes
Mayor Sheinfield	Yes

NEW HEARING

PZ-08-24

Block 1303 / Lot 13; 12 Avon Court

Mark and Michelle DiPisa

Porch Addition

Front Yard Setback

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

Mark DiPisa – 12 Avon Ct., Hillsdale (Homeowner & Attorney)

The applicant proposes to construct a new front porch. The applicant is appealing a May 7, 2024 denial from the Zoning Official for a single bulk (“c”) variance.

The proposed porch addition is 367.4 SF in size and projects 11.6 ft. closer to the road (at the closest point) than the existing dwelling. The existing front yard setback is 35.4 ft. where a minimum of 30.0 ft. is required

Existing Variances:

1. **Lot Width** (Mean distance between side lot lines): 50.0 ft. existing proposed vs. minimum of 100.0 ft. required.

Proposed Variances:

2. **Front Yard Setback:** 23.8 ft. proposed vs. 30 ft. required, a difference of 6.2 ft.

The applicant submitted:

- Plans dated May 1, 2024 and revised on May 6, 2024.
- A survey dated May 21, 2024.
- Photographs of homes in the neighborhood with front porches.

Mr. DiPisa spoke about the application. He said the lot is located on a cul-de-sac and is oddly shaped. The backyard is not useable, as it is sloped and runs into a creek. Due to an unusable yard, his children play in the cul-de-sac.

There are three homes on the cul-de-sac.

Board Questions of Mr. DiPisa:

Mr. Friedman

Is the only variance your seeking is for a front yard setback? Yes.

Mr. Friedman questioned the design. Mr. DiPisa said they choose this design as it is aesthetically pleasing and it worked with the roof and widow design.

Ms. Guzman

Will any other improvements take place on the house? New siding and roof.

Mr. Alter

What is in the location where the proposed porch will be constructed?

An ugly bush and dirt.

No trees will be removed.

Secretary Raymond

Questioned the location of the porch.

Architect:

Thomas Mesuk

197 Valley Brook

Wood-Ridge, NJ 07075

Mr. Mesuk gave his professional education and background and was accepted as an expert witness. He was sworn in by Mr. Leibman.

Mr. Mesuk described the proposed porch. He said the plans were originally drawn with an older survey. The front yard setback is 23.8 and not 23.9 as originally stated.

Board Questions of Mr. Mesuk:

Mr. Statile

If this application is approved and the applicant ever decides to close in the front porch, they will need to come back to the Board.

Secretary Raymond

Questioned the setback to the existing home and questioned the setback to the curb. Mr. Mesuk pointed out the setback on the plans and said he was unsure about the measurement to the curb. He believes around eight ft.

Mr. Alter

How will the water run off be addressed? They will connect to the existing drainage system.

Vice Chairman Riordan

Questioned the material as the information submitted has conflicting information. Mr. Mesuk said they will be going with pavers.

Mr. Friedman

Confirmed the setback will be 23.8 ft. He questioned the setbacks. Mr. Mesuk said it varies due to the arch.

Mayor Sheinfield

Asked about the pre-existing non-conforming. The property is grandfathered in. Mr. DiPisa said there will be no structural or major changes to the home.

Dr. Weinberg

Is concerned about someone falling off the deck. Mr. DiPisa said they are under the code requirement for a railing. Chairwoman Kates said the applicant is not legally required to install a railing.

Chairwoman Kates

Asked if the topography of the backyard is considered a hardship. Yes, the property has a unique shape and has a steep drop off the backyard.

The meeting was open to the public to ask questions of Mr. DiPisa and Mr. Mesuk. With no public present wishing to speak, the meeting was closed to the public.

Neighbor Mr. Berge Abajian from 10 Avon Court was sworn in by Mr. Leibman to offer testimony. Mr. Abajian has lived at 10 Avon Court for 22 years. He believes the porch is a good addition to the home and useful and the backyard cannot really be used.

Mr. Leibman spoke about C1 Hardship as there are serious topography issues that creates a hardship.

Mr. DiPisa said he has no interest in every enclosing the porch.

A motion was made by Vice Mayor Sheinfield to approve the application with condition the porch cannot be enclosed. The motion was seconded by Dr. Weinberg, and carried by a roll vote as follows:

Vice Chairman Riordan	Yes
Secretary Raymond	Yes

Mr. Alter	Yes
Mr. Friedman	Yes
Ms. Guzman	Yes
Dr. Weinberg	Yes
Mayor Sheinfield	Yes
Chairwoman Kates	Yes

The resolution will be placed on the August 8, 2024 agenda.

NEW 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

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

Michael Kanter – 32 Riverdale Street, Hillsdale (Homeowner)

Fran Kanter – 32 Riverdale Street, Hillsdale (Homeowner)

The applicant has performed construction of a patio, retaining walls and outdoor kitchen without construction and zoning permits. The applicant is appealing a February 1, 2024 denial from the Zoning Official for multiple bulk (“c”) variances. The construction does not meet applicable zoning requirements.

The following variances are required:

Existing and Proposed Variances:

1. **Impervious Coverage:** 34.43% existing vs. maximum 30% allowed, or 407 SF over.
2. **Patio/Outdoor Kitchen Setback:** +/- 2 ft. existing vs. minimum of 10 ft. required.

Mr. Kanter spoke about living in the home for 19 years. He said the previous patio was in rough shape. They hired a contractor to re-do the patio over the existing foot print. They trusted him that he would obtain the proper permits.

Chairwoman Kates asked how they ended up at the Board. Mrs. Kanter said they received a letter on the front door from the Borough’s Zoning Official, Mr. Loesner.

Chairwoman Kates asked if the applicant asked the contractor to attend the meeting. They said no.

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Mr. Statile said they constructed a pavers, an outdoor kitchen and a retaining wall all with no permits. They will need two variances one for impervious coverage and one for the patio setback.

Mr. Leibman said the applicant offered no proof as to what the backyard previously looked like.

Chairwoman Kates said the contractor should be here. Secretary Raymond agrees.

Board Questions of Mr. & Mrs. Kanter:

Secretary Raymond

Did you know a variance would be required. They said they had no idea as the neighbors have similar structures.

The Kanter's said they have a good relationship with their neighbors.

The construction was constructed in fall of 2023 and they received notice around the same time.

Mr. Alter

What type of BBQ was there previously? The outdoor kitchen is now natural gas. There was an existing gas line outside. Previously, there was a regular propane gas grill outside.

How far away is the lot line from the outdoor kitchen. 2 ft.

Did you have any idea of the regulations? No.

Why are you here now? They received a violation from Zoning Official, Mr. Loesner.

Asked about the pavers. Mrs. Kanter said sand is in between the pavers.

Was the gas line inspected. No.

Mr. Alter said he has a real issue with the yard setback.

Mr. Riordan

Asked when the house was purchased. 2005.

Mr. Riordan suggested the applicants look at their mortgage documents for more information.

There is electric in the kitchen that was done without any permits.

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Ms. Guzman

She drove by and could see the kitchen from the street. This really concerns her. She suggests the applicant brings more information to the next meeting. The applicants said they just did not know. Ms. Guzman said you said mentioned you were replacing an existing patio, but you have provided no proof.

Older pavers were there previously. Mrs. Kanter will provide the board pictures at the next meeting.

Mr. Friedman

The contractor should have photographs. He suggested the applicants describe where the photos were taken in regards to their yard.

He questioned the impervious coverage calculations.

Mayor Sheinfield

The contractor did you both no favors. Especially doing plumbing and electric work with no permits. He would like the contractor here to answer questions.

Dr. Weinberg

Stated he is concerned with the safety of this construction.

Chairwoman Kates

Spoke about the applicant's previous application. Ms. Kanter said they received approval from the town, but then they were over FAR and needed a variance. Chairman Kates said so you are familiar with how the Board process works.

She said the contractor should be at the next meeting. She spoke about the neighbors.

Mr. Alter

Is there running water in the kitchen. No.

Mr. Leibman

If the Board approves, you will need permits.

Mr. Friedman

What is in the outdoor kitchen? Grill, garbage and a refrigerator

Asked about the drawings. The applicants said they got them from their contractor.

Secretary Raymond

Is the contractor local? Rockland.

Mr. Leibman suggested they applicants return to the board with counsel or read up on the New Jersey Municipal Land Use Laws.

The hearing was carried until the August 27, 2024 meeting. No additional notice is required.

DISUCSSION

BOARD CHECKLIST

Chairwoman Kates said the sub-committee spoke about reviewing the board checklist. Cice Chairman Riordan handed out some existing, proposed and samples of board checklists.

A discussion was had by all members regarding the proposed checklist changes.

Mayor Sheinfield thanked Vice Chairman Riordan and Mr. Friedman for working on this.

The Council will need to agree to update the checklist. The mayor does not believe this will be an issue.

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 - Tuesday, July 23, 2024 7:30 pm; Borough Hall Council Chambers