JOINT PLANNING BOARD OF THE BOROUGH OF HILLSDALE

RESOLUTION #2025-14

MINOR SUBDIVISION APPROVAL

WHEREAS, Roger Gross (the "Applicant"), is one of the owners of property located at 271 Pascack Road, Block 605, Lot 17.01 on the Tax Maps of the Borough of Hillsdale ("Lot 17.01" or the "Adjacent Property"), along with his wife Nancy; and

WHEREAS, Paul and Gayle Gross are the Owners of the property located at 48 Wierimus Lane, Block 605, Lot 9 on the Tax Maps of the Borough of Hillsdale ("Lot 9" or the "Property"); and

WHEREAS, on or about April 4, 2025, the Applicant, through Counsel, Stephen P. Sinisi, Esq. of the Law Offices of Stephen P. Sinisi, Esq., LLC, filed an Application for minor subdivision approval with the Joint Planning Board of the Borough of Hillsdale (the "Board") pursuant to N.J.S.A. 40:55D-47 and Chapter 310 of the Hillsdale Land Use Ordinance, specifically Section 310-86D (the "Application"); and

WHEREAS, a public hearing was held on the Application on July 10, 2025, in accordance with the Open Public Meetings Act and the Municipal Land Use Law, at which time the Applicant, represented by Stephen P. Sinisi, Esq., and accompanied by Applicant's' civil engineer, Mr. Christopher Lantelme, PE of Lantelme, Kurens & Associates, P.C.: (a) presented proof of notice

and publication as required by law; and (b) submitted the following Exhibits in support of Applicant's minor subdivision application:

- Exhibit A-1 - Subdivision Plan titled "Subdivision Plan to Transfer the Property from Lot 9 to Lot 17.01" prepared by Lantelme, Kurens & Associates, P.C. and consisting of one (1) sheet, dated September 10, 2024; and
- Sworn expert testimony of its civil engineer, Mr. Christopher Lantelme, PE of Lantelme, Kurens & Associates, who testified that the Applicant is proposing to adjust the existing lot line between Lots 9 and Lot 17.01 to transfer approximately 39,914 square feet of property from Lot 9 to Lot 17.01 and that the proposed minor subdivision does not need any variances or exasperate any pre-existing variances or non-conformities; and

WHEREAS, the Applicant submitted, and the Board considered, the Exhibits submitted:

- Complete Planning Board Application, including copies of the Certification of Payment of Taxes, Site Photographs of the Property and the Adjacent Property, and Copies of Existing Deed Restrictions and Easements; and
- Subdivision Plan prepared by Lantelme, Kurens & Associates, P.C. dated March 10, 2025 and consisting of one (1) sheet; and

WHEREAS, at the public hearing, the Board also took testimony from the Board Engineer, Christopher P. Statile, P.E., and considered the following report submitted by the Board Engineer:

- Review letter from the Board Engineer, Christopher P. Statile, P.E. dated April 23, 2025; and

WHEREAS, the Property is irregular in shape and consists of approximately 108,273 square feet (2.49 acres). It is a flag lot with driveway access from Wierimus Lane in the R-2 Residential Zone District. It contains a single-family dwelling, in-ground pool, a tennis court, and an additional sports court set well back from Wierimus Lane; and

WHEREAS, the Adjacent Property has no street frontage and contains approximately 39,106 square feet (0.90 acres). The Adjacent Property is improved with a single-family dwelling with a detached garage and shed. It has an access driveway from Pascack Road. It is also located in the R-2 Residential Zone District. The Adjacent Property has been the subject of a prior subdivision approval (Resolution 2022-18), which granted a variance under N.J.A.C. 40:55D-35 for the creation of a lot with no street frontage; and

WHEREAS, the Applicant proposes to move a lot line between the Property and the Adjacent Property so as to re-assign approximately 39,914 square feet of Property from Lot 9 to Lot 17.01. The minimum lot area for the R-2 Residential Zone District

is 15,000 square feet. The area to be transferred contains a tennis court and another accessory sports court; and

WHEREAS, the areas of the lots would be re-assigned as follows:

Lot	Existing Area (SF)	Proposed Area (SF)
9	108,273	68,359
17.01	39,106	79,020

WHEREAS, no other improvements are proposed and the proposed lot line relocation does not appear to create any new bulk variances or exasperate any pre-existing variances or non-conformities; and

WHEREAS, the Borough Code, Section 310-4 defines a minor subdivision as:

> A subdivision of land that does not involve:
>
> A. The creation of more than three lots;
> B. A planned development;
> C. Any new street; or
> D. The extension of any off-tract improvement, pursuant to § 310-94; and

WHEREAS, "Minor Subdivision" is defined in the Municipal Land Use Law, N.J.S.A. 40:55D-5 as

> "Minor subdivision" means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to

be prorated pursuant to section 30 of P.L.1975, c. 291 (C.40:55D-42); and

WHEREAS, the within Application meets these definitions; and

WHEREAS, the Adjacent Property is currently deficient in lot frontage (100 feet is required; 0 feet is existing and proposed); and

WHEREAS, the frontage of the Adjacent Property will not be changed, however, since the Adjacent Property will be altered, it still requires the previously issued variance relief pursuant to N.J.S.A. 40:55D-70(c) and Chapter 310 of the Borough Code; and

WHEREAS, the Property has a pre-existing non-conformity with respect to lot frontage (100 feet is required; 13.6 feet is existing and proposed), which is not being exasperated or otherwise changed by the proposed lot line relocation;

WHEREAS, Section 310-55.H(10)(b) of the Borough Code requires tennis courts to be a minimum of 10 feet to any lot line and the existing tennis court is non-conforming as a part of the Property, however, that non-conforming condition will now become part of the Adjacent Property, but will not be exasperated or otherwise changed by the proposed lot line relocation; and

WHEREAS, no other improvements are proposed on either lot and the proposed lot line relocation does not appear to create any bulk variances or impact any pre-existing variances or non-conformities; and

WHEREAS, no new lots will be created; and

WHEREAS, since the variance needed for lot frontage of the Property was previously granted, the Application is variance-free and the lots are conforming with the Borough Code.

NOW, THEREFORE, BE IT RESOLVED that the Joint Planning Board of the Borough of Hillsdale makes the following findings of fact, conclusions of law and imposes the within conditions of approval with respect to the Application:

1. The above "**WHEREAS**" statements are incorporated herein as if set forth at length.
2. The subject properties are located in the "R-2" Residential Zone District which requires a minimum lot size of 15,000 square feet.
3. The subdivision is classified as a Minor Subdivision under the Borough Code and Municipal Land Use Law.
4. The Board notes that one (1) member of the public appeared to ask a question regarding the proposed subdivision, but did not provide any comments or objections to same.
5. The Applicant will comply with all of the conditions set forth in the review letter of the Board Engineer dated April 23, 2025, including and without limitation, the filing of the subdivision via deed or via map and the correction of the lot areas shown on the survey or the tax map.

6. The Board finds that the proposed subdivision complies with the purposes set forth in the Municipal Land Use Law N.J.S.A. 40:55D-70 by promoting appropriate uses in proper locations with appropriate density, promotes the general welfare by continuing the existing single-family nature of the existing neighborhood, promotes appropriate population densities, promotes open space and prevents urban sprawl and degradation of natural resources. Adequate light air and open space are provided.

7. The Board further finds that the Applicant does not need approval under N.J.S.A. 40:55D-70(c), as the Property and the Adjacent Property are oversized, but are both deficient in lot frontage; the lot frontage deficiency with respect to the Adjacent Property previously received variance approval from the Board for this condition; the lot frontage deficiency with respect to the Property is not being exasperated or otherwise changed by the proposed lot line relocation; the pre-existing non-conforming accessory structures on the Property and the Adjacent Property are not being exasperated or otherwise changed by the proposed lot line relocation. There is no substantial impairment to the Zone Plan or Zoning Ordinance. The benefits of deviation from the zoning ordinance substantially outweighs any detriment.

NOW, THEREFORE, BE IT RESOLVED by the Joint Planning Board of the Borough of Hillsdale, based upon the above findings of fact and conclusions of law, and conditions of approval that the within application for Minor Subdivision Approval, is hereby granted for the reasons and based on the conditions set forth herein:

(a) Notwithstanding the approval granted herein, the Applicant shall comply with all of the ordinances of the Borough of Hillsdale and all applicable county, state, and federal statutes, ordinances, rules and regulations;

(b) The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development, including but not limited to the approval of the Bergen County Planning Board (if necessary);

(c) The Applicant shall be required to obtain all necessary permits and approvals from the Construction Official and such other municipal departments as may be necessary;

(d) The Applicant shall submit the Subdivision deed, Plat or other recording instrument as directed by the Board Engineer for execution by the Joint Planning Board Chair and Planning Board Secretary, and shall cause the same to be duly recorded with the Bergen County Clerk in accordance with the Map Filing Law and the Municipal Land Use Law.

(e) The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Hillsdale which shall include payment to the Borough's professionals for the review of the within Application and the inspection of work to be performed incidental thereto.

(h) The Applicant's failure to comply with conditions set forth with this Resolution shall constitute a failure of the conditions and may be the cause for the revocation of the approval, subject to reasonable notice and the opportunity to cure.

IT IS HEREBY CERTIFIED that this is a true correct copy of a Resolution adopted by the Joint Planning Board of the Borough of Hillsdale upon a roll call vote of all members eligible to vote at its regular meeting held on July 22, 2025.

A copy of this Resolution shall be given to the Tax Assessor, Borough Clerk, Construction Code Officer, Borough Engineer and the Applicants (through counsel).

ATTEST:

SO APPROVED:

JOINT PLANNING BOARD,

BOROUGH OF HILLSDALE

_____

Scott Raymond, Secretary

_____

Stephen Riordan, Vice Chair

Date of Adoption: July 22, 2025