

**BOROUGH OF HILLSDALE  
PLANNING BOARD  
RESOLUTION NUMBER 2020-16  
CASE NUMBER PZ-07-20**

**WHEREAS**, an application has been submitted by Shannon and Alexa Ribler (the “Applicant”) as Owner of property known as 117 Highland Avenue, Hillsdale, New Jersey and identified as Block 1908, Lot 11 (the “Property”); and

**WHEREAS**, the Applicant applied for an accessory structure in the required front yard and a (c) bulk variance for front yard setback in order to construct a detached two-car garage on the site; and

**WHEREAS**, the Applicant was represented by Constantine Stamos, Esq., of Ferraro & Stamos, LLP, Rockleigh Business Center, 22 Paris Avenue, Suite 105, Rockleigh, NJ 07647; and

**WHEREAS**, Vice-Chairman Stephen Riordan recused himself from the hearing on this application; and

**WHEREAS**, the Board considered the report of Christopher P. Statile, PE, dated December 2, 2020; and

**WHEREAS**, the Board determined that the application was complete and that a public hearing be conducted by the Board; and

**WHEREAS**, a virtual hearing was held on February 11, 2021; and

**WHEREAS**, the application was presented at the Board’s February 11, 2021 hearing, at which time Shannon Ribler testified after being duly sworn; and

**WHEREAS**, Christopher P. Statile, PE (Board Engineer) was duly sworn and testified at the February 11, 2021 hearing; and

**WHEREAS**, along with the application, the Applicant submitted the following:

1. Architectural plans entitled “Proposed Detached Garage for Ribler Family, 117 Highland Ave., Hillsdale, New Jersey”, prepared by Stephanie DeCarlo Pantale, AIA, 70-K Chestnut Ridge Road, Montvale, NJ 07645, dated June 12, 2020 and revised to October 8, 2020, consisting of one sheet. Ms. Pantale was not present at the hearing.
2. As-built survey prepared by Andrew A. Schmidt, PLS, of Schmidt Surveying, 66 Hunting Drive, Dumont, NJ 07628, dated August 1, 2018 and revised to August 18, 2018; and

**WHEREAS**, the Applicant submitted proof of notification, by mail or personal service at least 10 days prior to the date set forth for public hearing on all persons owning properties within 200 feet from the extreme limits of the subject premises of the subject application, as set forth on a certified list of said owners furnished to the Applicant by the Tax Assessor of the Borough of Hillsdale and provided proof of service of such notice in accordance with the Land Use Ordinance of the Borough of Hillsdale, as amended and supplemented, and the Municipal Land Use Law (the “MLUL”), N.J.S.A. 40:55D-1 to -163; and

**WHEREAS**, the Applicant has submitted proof that a copy of said notifications have been published at least 10 days prior to the date set forth for public hearing in the official newspaper of the Borough of Hillsdale in accordance with the Land Use Ordinance of the Borough of Hillsdale, as amended and supplemented, and the MLUL; and

**WHEREAS**, the Board gave due consideration to all individuals desiring to be heard and after due deliberation, did find and determine that:

A. The Property

1. The Property is located at 117 Highland Avenue, designated as Block 1908, Lot

11.

2. The property is situated in the R-3 Residential Zone.

3. The property is located on the southwest corner of the Highland Avenue/East Liberty Avenue intersection in the R-3 Zone District (minimum lot size 10,000 SF), and consists of 18,658 SF (0.43 acre). It is improved with a two-story frame dwelling with a rear porch and a front walkway. A paved driveway provides access from East Liberty Avenue.

4. As a corner lot, the property has two front yards, with frontage on both Highland Avenue and East Liberty Avenue. The existing dwelling meets required front yard setback (30 feet) for both streets. An addition to the dwelling was completed in 2018.

B. The Application

5. The Applicant proposes to construct an accessory structure which contains a 576 SF garage with 192 SF patio (total 768 SF footprint). The proposed accessory structure is located 18.0 feet from the right-of-way along East Liberty Avenue and is located within the required front yard. Variances are required for an accessory structure in the required front yard and for front yard setback. The structure height is proposed at 14.85 feet, where the maximum allowable height for an accessory structure is 15 feet. The floor area for the dwelling is calculated at 3,283.8 SF (17.6% as shown in the bulk table). Therefore, the accessory structure constitutes 23.4% of the dwelling. The Board Engineer noted that the calculation at the bottom of the zoning chart on the plan prepared by Ms. Pantale appears to be incorrect.

6. According to 310-55H.6, “the floor area of all accessory buildings shall not exceed 10% of the total gross floor area of the principal building on that lot, except that a private garage may have a floor area not greater than 25% of the total gross floor area of the dwelling to which it is accessory”. The proposed garage is in compliance.

7. According to the report of the Board Engineer, Christopher P. Statile, dated December 2, 2020, the following variances are proposed by the Applicant:

- (a) Front yard setback (§310-55A): 18.0 feet proposed to garage vs. 30.00 feet required on East Liberty Avenue. The current dwelling is conforming. The existing front yard setback from East Liberty Avenue is 34.1 feet, where 30.0 feet is required, and 29.89 feet (to the porch roof) from Highland Avenue, where 15.0 feet is required (on corner lots, if one front yard meets the zone requirement of 30 feet, then the other front yard setback may be only 50% of the required front yard, or 15.0 feet).
- (b) Accessory Structure in the Required Front Yard (§310-55H(3)): No accessory structure other than a conforming sign, flagpole or fence shall be located in the required front yard.

C. The Hearing

8. The Applicant, Shannon Ribler, was duly sworn and testified that they purchased the property approximately four years ago. The property was abandoned for about 20 years. He testified that the existing split-level dwelling was renovated and that most of the house to the right was not touched.

9. Mr. Ribler testified that there is an existing one-car garage. The Applicants propose a larger two-car garage to be used for storage and cars. The property is a large corner lot. The Applicants would have to move the proposed garage back 12 feet to be in compliance. The proposed garage will match the Craftsman style of the home. The existing stepping-stone path will tie into the back patio. The Applicants would like to convert the existing garage to a mudroom at some point in the future.

10. According to the Rider attached to the application, the Applicants are in need of additional storage for their family's belongings and they wish to accommodate that need by the construction of the detached garage. It was further stated by the Applicants that their property is almost double the required lot size of 10,000 SF. The reason that variance relief is required is because the property is a corner lot with two front yard setbacks. The garage will result in an additional 576 SF, which the lot can accommodate. No other relief is required.

11. The current driveway can accommodate three cars, according to Mr. Ribler.

12. Mr. Ribler testified the Applicants will comply with the comments of the Board Engineer, Christopher P. Statile, PE.

13. The Applicants will remove two trees and will comply with the Borough Ordinance as to replacement of same.

14. Board Member Ed Alter asked if the garage will be used for commercial purposes and Mr. Ribler advised it would not.

15. Christopher Statile was duly sworn and qualified prior to providing testimony in connection with the subject application. He raised concerns about drainage related to the proposed garage. In addition, in his December 2, 2020 review letter, Mr. Statile identified the following variances:

- (a) Front yard setback (§310-55A): 18.0 feet proposed to garage vs. 30.00 feet required on East Liberty Avenue. The current dwelling is conforming. The existing front yard setback from East Liberty Avenue is 34.1 feet, where 30.0 feet is required, and 29.89 feet (to the porch roof) from Highland Avenue, where 15.0 feet is required (on corner lots, if one front yard meets the zone requirement of 30 feet, then the other front yard

setback may be only 50% of the required front yard, or 15.0 feet).

- (b) Accessory Structure in the Required Front Yard (§310-55H(3): No accessory structure other than a conforming sign, flagpole or fence shall be located in the required front yard.

16. Mr. Statile noted that the proposed garage is within 2 inches of the permitted height and cautioned the Applicants to be mindful of that when constructing same.

17. The closest neighbor requested a larger setback.

18. Board Chairman Dewey Burleson was concerned with the sight line and cars in the street.

19. Mr. Ribler testified that the property is across from Stonybrook Condominiums, and the Applicants are seeking privacy. Several Board members suggested moving the porch to the other side. The Applicants would like to keep the porch as it is designed.

20. No member of the public appeared at the hearing to object to the relief sought by the Applicant.

21. The Applicants agreed to comply with the recommendations of the Board Engineer as stated on the record and in his December 2, 2020 report, as well as the conditions of the Board.

22. The Board imposed, as a condition of approval, that the Applicants submit a landscaping plan to the Board and Board Engineer for review and approval. As stated on the record, without limitation, the Applicants shall add evergreens and landscape planting along the westerly side of the property. The landscaping plan shall include hemlocks.

D. Justification for Relief

23. The Board members felt that the Applicants had met their burden pursuant to N.J.S.A. 40:55D-70(c)(2). As to the bulk variances, the legal basis for the flexible (c) variances are if the benefits outweigh the detriments. The Board felt that all the benefits carry forward in connection with the application and all the bulk requirements are necessary to effectuate the project in an area where it should be situated. The project will result in, without limitation, improved aesthetics, and the design will be within the existing streetscape.

24. The Board makes the following findings and conclusions with respect to this application:

- A. The Board finds that the application as presented will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the Borough's Zone Plan and Land Use Ordinance.
- B. The proposed construction will go toward the positive criteria. The Board further determined that the Property can accommodate the additional garage. The improvements are necessary to accommodate the needs of the Riblers.
- C. Further, the Board finds that using prudent zoning and planning principles, project will not negatively impact the existing neighborhood nor the community as a whole.
- D. The Board hereby determines that the overall objectives of sound and prudent zoning and planning principles are advanced by the granting of the application.
- E. The Board hereby determines that the Applicants has met their burden of proof to the satisfaction of the Planning Board for variance relief, as proposed by the Applicants.
- F. The Board finds the use is permitted in the R-3 Residential Zone.

G. The Board also finds that the application as presented will not substantially impair the intent and purpose of the Borough's Zone Plan and Zoning Ordinance.

H. The Board finds that using prudent zoning and planning principles, the request for the variances will not affect the existing neighborhood, nor the community as a whole. The Planning Board hereby determines that the overall objectives of sound and prudent zoning and planning principles are advanced by the granting of the application.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Hillsdale as follows:

1. The Applicants' application for variance for an accessory structure in the required front yard and a (c) bulk variance for front yard setback in order to construct a detached two-car garage on the site is hereby granted, to wit:

(a) Front yard setback (§310-55A): 18.0 feet proposed to garage vs. 30.00 feet required on East Liberty Avenue. The current dwelling is conforming. The existing front yard setback from East Liberty Avenue is 34.1 feet, where 30.0 feet is required, and 29.89 feet (to the porch roof) from Highland Avenue, where 15.0 feet is required (on corner lots, if one front yard meets the zone requirement of 30 feet, then the other front yard setback may be only 50% of the required front yard, or 15.0 feet).

(b) Accessory Structure in the Required Front Yard (§310-55H(3)): No accessory structure other than a conforming sign, flagpole or fence shall be located in the required front yard.

2. The application is specifically conditioned upon any and all other approvals required by any governmental entity having jurisdiction over the development, including, but not



limited to Bergen County Planning Board approval or waiver, Bergen County Soil Conservation District approval and NJDEP approval, to the extent applicable.

3. The Applicants shall comply with the reports of the Board Engineer and/or comments of the Board Engineer as stated on the record.

4. The Applicants shall comply with any and all Federal, State, County and local laws, ordinances, codes, rules and regulations with respect to all aspects of the project, property and proposed use, and with all such applicable laws and codes, and shall be responsible for all costs and fees associated therewith. Notwithstanding the approval granted by the Board, the Applicants shall obtain all other applicable approvals and comply with all applicable laws, codes, ordinances, regulations and the like as to the Property.

5. Before any permits are applied for, it is the responsibility of the owner to see if there are any open permits or violations and address these before a new permit can be issued.

6. When applying for the permits, a copy of the signed resolution and board-approved plans must accompany the permit application.

7. No certificate of occupancy will be issued unless all inspections have been performed, passed, and all prior approvals have been satisfied.

8. The Applicants shall maintain sufficient escrow funds as requested by the Borough of Hillsdale.

9. The Applicants shall obtain all appropriate and applicable approvals and permits as required from all governmental agencies having jurisdiction over the project or the subject matter of this application, shall comply with each and every requirement of every issued permit, and shall be responsible for all costs and fees associated with these approvals. Before any permits are applied for, the Applicants shall determine whether there are any open permits or

violations for the Property and resolve any such issues to the satisfaction of the Construction Official. A signed Board resolution and Board-approved plans shall be submitted with all applications for permits.

10. If other agency approvals modify the plan, same will trigger a return to the Board.

11. The Applicants shall comply with the conditions of the Board and Board Engineer, as set forth herein and in the record.

12. The Applicants shall comply with all applicable laws and regulations, including the payment of the non-residential development fee, if applicable, pursuant to the Municipal Land Use Law.

13. The Applicants shall comply with the comments of the Board and Board Engineer as set forth in his report and on the record.

14. The Applicants shall add evergreens and landscape plantings along the westerly side (hemlocks, etc.). A landscape plan shall be submitted to the Board and Board Engineer for approval.

**BE IT FURTHER RESOLVED** that the Chairman, Vice Chairman and Secretary of the Planning Board are hereby authorized to affix their signatures to this Resolution granting a variance for an accessory structure in the required front yard and a (c) bulk variance for front yard setback, as described herein, and the Applicant is authorized to advertise the action taken by way of this Resolution in a local newspaper; and, further, the Secretary of the Board is authorized to send copies of this Resolution to the Construction Code Official and to the Applicant's counsel, Constantine Stamos, Esq.

MOVED BY:  
SECONDED BY:

VOTE: FOR   6   AGAINST   2   ABSTAIN \_\_\_\_\_

MEMORIALIZATION VOTE:  
MOVED BY:  
SECONDED BY:

VOTE: FOR \_\_\_\_\_ AGAINST \_\_\_\_\_ ABSTAIN \_\_\_\_\_

APPROVED  
Attest:

\_\_\_\_\_  
Meredith Kates, Secretary

\_\_\_\_\_  
Dewey Burleson, Chair

\_\_\_\_\_  
Stephen Riordan, Vice-Chair

I certify that the foregoing is a true copy of the Resolution adopted on \_\_\_\_\_,  
2021.

\_\_\_\_\_

Dated: \_\_\_\_\_, 2021