

**MINUTES OF THE FEBRUARY 1, 2012 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: E. Alter, Mayor Arnowitz, Councilman Giancarlo, W. Franklin,
E. Lichtstein, F. Franco, L. Calabria, J. Miano, J. Traudt, Z. Horvarth

MEMBERS ABSENT: K. Fuchs

EMPLOYEES PRESENT: Robert J. Maloof, Esq. Acting Board Attorney
C. Statile, P.E., Board Engineer
C. Wyssenski, Deputy Secretary

Chairwoman Calabria called the meeting to order at 7:30 pm with a reading of the Open Public Meetings Statement.

RESOLUTION:

2011 Variance Applications determined by the Planning Board

Attorney Bob Maloof provided the Board with a Memorializing Resolution approving the annual Planner's report on variance applications. Mayor Arnowitz made a motion to approve the resolution, seconded by Mr. Alter.

CORRESPONDENCE: All correspondence was received and filed.

Andrew & Dianne Tannariell to Planning Board re: United Water Dam Improvement Project to enforce the Board's land use jurisdiction over United Water's dam reconstruction project and to not hold any informal discussions with the water company.

PUBLIC HEARING:

PZ-24-11, Morlote, Block 101, Lot 5.07, 7 Arigot Court, "C" Variance Application

Applicant to begin Public Hearing.

"C" bulk variance application for proposed swimming pool encroaching into front yard setback area on thru lot (two street frontages).

Mr. Greg Meese, the applicant's attorney, was present. Dr. Morlote the applicant, and Mr. Ashbahian, the applicant's engineer were also present to testify regarding the proposed variance.

Dr. Morlote testified to several photographs of his property and indicated that due to the irregular shape of his rear-yard, the pool could not be placed in another location. The property has frontage on two streets (Wierinus Road/Van Emburgh Road and Arigot Court) which creating the bulk variance for the pool location (opposing front yard setbacks). The Board requested that two additional shade trees be planted in addition to the evergreen trees Mr. Morlote is proposing.

Mr. Ashbahian testified to the site and the location of the pool. Board members asked several questions regarding the surrounding properties, topography, fencing, landscaping, etc.

Dr. Lichtstein made a motion to approve the application, seconded by Mayor Arnowitz. The Board voted unanimously to approve the variance application.

PZ-15-11, 100 Park Avenue Associates, Block 1201, Lots 5, 6, & 7, 55-59 Patterson Street, Major Site Plan with Variances

Application carried from December 14, 2011 Public Hearing.

Applicant is proposing multi-family housing in the "C" commercial zoning district and requires a "d" use variance and Major Site Plan.

Mr. Mark Sokolich, the applicant's attorney, was present. Mr. Allen Bell, an objector's attorney for lands adjacent to the site was also present. Mayor Arnowitz and Councilman Giancarlo recused themselves from the application deliberations and public hearing.

Mr. Lydon, the applicant's professional planner, was present and testified to the uses of the surrounding properties, presented his photographs of the site and surrounding properties that he had taken, explained his estimation of the number of school children a project of this magnitude level would generate using accepted studies, and other zoning and land uses issues that he believed met the "d" variance burden of proof. Mr. Bell cross-examined the witness regarding his presentation and findings.

Kevin O'Brien, 28 Summit Avenue, Westwood, was sworn in and asked several questions of the planning witness. Several Mr. Sokolich indicated, had been answered by other prior expert witnesses, although they prior witnesses restated several of the requested facts. Mr. O'Brien also presented census data he had downloaded, and asked several questions regarding demographic information presented in the census data. Neither Mr. Lydon, the Board, or the opposition had an opportunity to review the materials prior to the meeting.

The application was thereafter closed to the public. Board Planner Caroline Reiter, PP asked Mr. Lydon several questions regarding his testimony, specifically as to his estimation of school aged children being generated by the development.

Due to the late hour, the Board decided to carry to the application to the March 7, 2012 Public Hearing.

The meeting was adjourned at 11:25 PM.

Respectfully submitted,

Christie Wyssenski
Deputy Secretary