

**MINUTES OF THE FEBRUARY 28, 2012 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE**

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

MEMBERS ABSENT:

EMPLOYEES PRESENT: Stephen P. Sinisi, Esq. 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.

MINUTES FOR APPROVAL:

The Board unanimously approved the meeting minutes of February 1, 2012. Dr. Lichtstein requested the January 25, 2012 meeting minutes be amended to include the Mayor's comments regarding United Water.

RESOLUTION:

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

Mr. Maloof provided the Board with a Memorializing Resolution approving the application. Mr. Alter made a motion to approve the resolution, seconded by Councilman Giancarlo.

CORRESPONDENCE: All correspondence was received and filed.

Fabrizio Sembiante to R. Sandt re: rezoning of 60 Orchard Street

Fabrizio Sembiante to Mayor and Council re: rezoning of 60 Orchard Street

COMPLETENESS REVIEW:

PZ-01-12, Falasca's Friendly Service, Inc., Block 1501, Lot 3, 318 Broadway, Amended Site Plan with Variances Application

Amended site plan with a "d" variance for an expansion of a non-conforming use.

The application was deemed incomplete.

PZ-02-12, Alessi, Block 720, Lot 13, 31 Cherry Place, "C" Variances Application

"c" variance application for existing paver patio encroachment into sideyard setback and maximum impervious coverage.

The application was deemed complete and scheduled for a Public Hearing on March 27, 2012.

DISCUSSION ITEMS:

1. *By-Laws outlining the Planning Board attorney selection process.* An excerpt from the by-laws regarding process to select the Planning Board attorney was presented to the Board by Mr. Alter. Mr. Sinisi will review the proposed change to the by-laws and the Board will continue their discussions on the matter at

the March 27, 2012 public meeting.

2. ***"Revisit" of the Master Plan with regard to "Mixed Use."*** Ms. Reiter the Board's Planner presented an overview of the 2003 Master Plan preparation and the 2010 Master Plan Re-Examination Report by the Board. This included a discussion on the Master Plan process with the Governing Body. The 2010 Re-Examination Report proposed a "mixed use" area in the commercial zone. After a lengthy discussion, the Board will continue the Master Plan discussion at the March 27, 2012 public meeting.
3. ***Escrow fee review.*** The prior CFO had requested the Board increase escrow fees because the Borough was sending out refresher letters to applicants too frequently. It is often difficult to obtain additional escrow funds after approvals are granted. The Board has not increased their fees since 2001, and the unused portion of the fees are referred to applicants. Board members were concerned with the recommended escrow fee for a residential "bulk" variances and asked that the "d" FAR variance fee be split from the cost of a "bulk" variance. FAR variances are often more complex for review by the Board professionals. The Board will continue its discussions on escrows on March 7, 2012 at which time revised recommendations will be proffered by the Board Engineer and Planner.
4. ***Discussion of how height is measured by the Building Dept.*** The current building height is measured by an average of the four corners of the building against the roof ridge elevation. Any stockpiling of soil around foundations, usually triggers, the Borough Engineer or the Building Department to re-examine the height of structures. The Board/Borough Engineer said that he did not have an issue with the way building height is computed in Hillsdale, lending to its simplicity. Therefore no recommendations for change were presented.
5. ***Discussion regarding acquiring a Borough email address.*** – The Board suggested having an email address for general questions to the Planning Board from the public and separate mailboxes for each member not accessible by the public. The Board's email mailbox would send back a receipt conformation reply only, and the correspondence would be provided to the Board at regular public meetings. An appropriate disclaimer would be necessary that residents must be present to offer testimony on applications. Mr. Sinisi will discuss this further at the March 27, 2012 meeting.
6. ***Uploading of Minutes on Borough website.*** Mayor Arnowitz said that this will be the responsibility of the selected Borough Clerk as part of their responsibilities.
7. ***Update from Mayor Arnowitz regarding meeting with United Water.*** The Mayor and Borough Attorney meet with United Water and their attorney. United Water will submit to the Borough Attorney a letter regarding why they believe they do not need to appear before the Planning Board and they are exempt from the Municipal Land Use Law with respect to local site plan approval.
8. ***New discussion from any member of the Board.*** Mayor Arnowitz was approached by Demarest Farms regarding the sale of the farm and potential development scenarios. The Mayor told the property owner they will have to appear before the Planning Board with whatever designs they wish to pursue.

The Board Engineer suggested that to reduce paperwork burden on applicants, the Board will now only require

two sets of plans for application submissions.; one for completeness review by the Engineer, and the other as a record copy held by the Construction Department. Upon completeness, 12 sets will then need to be provided by the applicant.

Mr. Sinisi asked how the Board has been handling conceptual hearings. The Board will continue to look at site plan issues, not variances.

Chairwoman Calabria indicated everyone should provide specific reasons while voting applications to assist the Board Attorney in scribing the resolution. Mr. Sinisi reminded the members that voting should be based on the record, a brief opinion should be provided but to avoid personal opinions.

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OPEN TO PUBLIC:

- Donald MacLahlan, Esq. was present to support the Board in their actions with United Water to require a site plan application for the dam reconstruction work proposed.

- Ms. Cifelli, 5 Church Street, informed the Board that many areas in the existing commercial downtown are vacant presumably due to high rents.

- The meeting was adjourned at 10:30PM

Respectfully submitted,

Christie Wyssenski
Deputy Board Secretary