

**MINUTES OF THE NOVEMBER 27, 2012 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: L. Calabria, E. Alter, Mayor Arnowitz, Councilman Giancarlo, J. Miano, K. Fuchs, Z. Horvath, M. Kates, E. Lichstein, J. Traudt, F. Franco

MEMBERS ABSENT:

EMPLOYEES PRESENT: Stephen P. Sinisi, Esq. Board Attorney
Christoher P. Statile, P.E., Board Engineer
Christie Wyssenski, Deputy Secretary

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

INVOICES:

Professional legal invoices – The Board approved the invoices of Mr. Sinisi.

RESOLUTIONS:

PZ-05-12, Merkel, Block 1306, Lot 6, 93 Lawrence Street

Mr. Sinisi, Esq. prepared a resolution to approve the variance application to expand the single-family dwelling. Mr. Alter made a motion to approve the resolution, seconded by Ms. Fuchs. The Board voted unanimously to approve the resolution.

PZ-9-12, Maalouf, Block 1702, Lot 3, 69 Washington Avenue

Mr. Sinisi, Esq. prepared a resolution to approve the variance application to expand the single-family dwelling. Mr. Alter made a motion to approve the resolution, seconded by Mr. Franco. The Board voted unanimously to approve the resolution, with the exception of Ms. Calabria and Councilman Giancarlo, who were ineligible to vote on this application.

PZ-11-12, Mosca, Block 1620, Lot 3.02, 160 Vincent Street

Mr. Sinisi, Esq. prepared a resolution to approve the variance application to expand the single-family dwelling with a deck. Ms. Miano made a motion to approve the resolution, seconded by Mr. Alter. The Board voted unanimously to approve the resolution, with the exception of Ms. Calabria and Councilman Giancarlo who were ineligible to vote on this application.

PZ-15-11, 100 Park Avenue Associates, Block 1201, Lots 5, 6, & 7, 20, 22, 26 Orchard Street,

Mr. Maloof, Esq. special counsel to the Board, prepared a resolution to deny the use variance application for multi-family housing in the Commercial District. Ms. Traudt made a motion to approve the resolution, seconded by Mr. Alter. The Board voted unanimously to approve the resolution, with the exception of Mr. Horvath, Councilman Giancarlo and Mayor Arnowitz who were ineligible to vote on this application.

PZ-23-11, Oriolo, Block 2004, Lots 2 & 11, 23 Ruckman Road & 8 Meadow Drive

Mr. Sinisi, Esq. prepared a resolution to approve the two-lot subdivision application. Ms. Miano made a motion to approve the resolution, seconded by Mr. Alter. The Board voted unanimously to approve the resolution, with the exception of Ms. Calabria, Councilman Giancarlo and Mayor Arnowitz who were ineligible to vote on this application.

OPEN MEETING TO PUBLIC: Beverly Covey, 255 Maple Avenue, wished to speak against the Garcia variance application. The Board told her that she will be able to speak once the applicant starts his public hearing.

PUBLIC HEARING:

PZ-12-12, 225 Washington Ave., MJL, LLC, Block 1406, Lot 3, 150 Magnolia Ave., Interpretation & Use Variance Request

Applicant's attorney has requested an adjournment to the December 18, 2012 Planning Board hearing.

Chairwoman Calabria announced the applicant's attorney's request.

PZ-10-12, Garcia, Block 708, Lot 5, 50 Pascack Rd., Variance Application

The application requires several bulk variances for accessory structures that were constructed without required municipal approvals.

Applicant began the Public Hearing.

Mr. Alonso, the applicant's attorney and Mr. Valella, the applicant's architect were present. Mr. Valella explained to the Board that the application had been variance free at the time the soil movement permit was filed. He indicated he believes the variances his client are now seeking a "minor" landscape items that were constructed after he completed his architectural plans.

The Board Engineer said that the approved site plan for the Soil Movement Permit Application did not contain the sought after variances.

The plans submitted to the Board versus the plans Mr. Valella were testifying to differ greatly by calculations for the variances being sought. The Board received plans dated January 3, 2012. These were not the plans Mr. Valella was testifying to. Mr. Valella also testified his last site visit was December 2011. No photographs were submitted. The Board instructed Mr. Alonso that photographs and corrected architectural plans must be submitted ten days prior to the December 18, 2012 hearing.

The application will be listed on the December 18, 2012 Public Hearing if revised plans are submitted. If the application is carried beyond December 18, 2012, the applicant agreed to re-noticing for the hearing.

OPEN TO PUBLIC: Beverly Covey, 255 Maple Avenue, spoke against the application. The Board suggested she return when the applicant has also the necessary documents to continue to the application.

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

Application requires approval of the expansion of a non-conforming use for the permanent installation of a kiosk

Applicant began the Public Hearing.

Mr. Nemcik, the applicant's attorney and Christopher Lantelme, P.E., P.L.S, the applicant's engineer and land surveyor were present. Mr. Nemcik informed the Board that the application had been granted Site Plan approval in 1991.

Mr. Lantelme was sworn in and testified regarding the prefabricated kiosk which had been temporarily installed following Hurricane Irene and a fire. The kiosk is located between the gas pumps and provides shelter to the employees and protection to the gas pumps. He also testified regarding the dumpster and its location. Mr. Lantelme indicated that there is de minimus movement when the dumpster is picked up and set back down. He also said no changes to parking, lighting, the existing building or other improvements are proposed. If the kiosk is granted approval, it will be placed on a concrete pad and bolted down.

Electricity will be provided for a space heater and credit card machine. No products will be sold from the kiosk. Bollards will be placed to protect the kiosk. The Board requested no signage be posted on the kiosk and the lighting be muted from the kiosk to prevent spillage.

Raul Reyes, station manager and Lake Street Valero station manager (another Falasca service station), was sworn in. Mr. Reyes has been the manager of this station since 1996. Mr. Reyes testified that the electricity in the kiosk for a space heater will have the capability of shutting down at night. He also testified that two employees typically work one day, no goods or products will be sold from the kiosk, no exterior lighting will be installed on kiosk, and the windows on the kiosk can be tinted to prevent light spillage. Mr. Reyes also testified that all flood lighting damaged during Hurricane Sandy has been repaired. The Board discussed with Mr. Reyes the flood lighting, dumpster enclosure, and vehicle/boat storage. Mr. Reyes agreed to replace the existing wooden fence dumpster enclosure with a more durable product such as vinyl coated PVC fencing.

OPEN TO PUBLIC: Mr. Stephen Ondrigcik and Mr. David Larsen both spoke in favor of the application.

Mr. Alter made a motion to approve the amended Site Plan Application, seconded by Mr. Horvath. The Board voted unanimously to approve the application.

DISCUSSION:

By-Laws for Attorney Selection – Mr. Alter is presently working on amendments to the by-laws language. The Board will review the amendments at the December 5, 2012 meeting.

Master Plan – The Board will discuss their recommendations to the Master Plan at the December 5, 2012 meeting.

Environmental Commission Review of Plans – Ms. Kates informed the Board that the Environmental Commission meets every third Thursday of the month. Board Engineer Statile told the Board that development applications must submit referral forms to the various departmental agencies including the Environmental Commission for review during the application process. Also, the Board Engineer meets with the Environmental Commission to review tree replacements, tree removals, etc. for the various applications *after* they are approved by the Board.

OPEN TO THE PUBLIC

No one wished to speak.

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Christie Wyssenski, Deputy Board Secretary