

MINUTES OF THE MAY 28, 2013 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, M. Kates, E. Lichtstein, Mayor Max Arnowitz, F. Franco, M. Giancarlo, Z. Horvath, J. Traudt

MEMBERS ABSENT: Chairwoman Calabria, Councilman DeGise, J. Miano

EMPLOYEES PRESENT: H. Ritvo, Esq. Board Attorney
C. Statile, P.E., Board Engineer
C. Wyssenski, Deputy Board Secretary

Acting Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement.

MINUTES

The April 23, 2013 and May 8, 2013 meeting minutes were approved by the Board.

OPEN MEETING TO PUBLIC: The meeting was opened to the public. As no one wished to speak, the meeting was closed to the public.

COMPLETENESS REVIEWS

PZ-06-13, DeZorga Landscaping, Block 1210, Lot 8, 554 Piermont Avenue, Minor Site Plan with variances

The application was deemed incomplete. The Board Engineer had forwarded his report to the applicant and applicant's engineer.

PUBLIC HEARINGS:

PZ-3-13, Kesoglou, Block 802, Lot 19, 50 Windham Road, Variance Application – Bulk Variances required for impervious coverage, rear and side yard setbacks.

Application continued from April 23, 2013 Public Hearing.

Mr. John Lamb, Esq. the applicant's attorney, Mr. Kesoglou, Robert Roselli, the applicant's engineer and Joshua Hampton, the applicant's landscaper were present.

Mr. Kesoglou submitted revised site plans and a planting plan after receiving comments from the Board at the April 23, 2013 Public Hearing. The revised plans include a reduction in the size of the pool and patio, and a shifting of the pool to the east. The new planting plan also provides landscape plantings around the retaining wall area. The need for an impervious coverage variance has now been eliminated. The original proposed rear yard setback was 6.2 ft. was revised to 8.1 ft.

The Board asked Mr. Kesaglou about the "outdoor kitchen" as shown on the plans. He testified that the area is a barbeque and countertop. All fencing is located along the property line on the outside of the plantings. Mr. Roselli, P.E. testified to the revisions he made to the site plan. Mr. Hampton testified to the planting plan and choice of specie he choose for the property. He has testified to the experience he has with construction in the riparian zone and Permit-by-rule plantings.

OPEN TO THE PUBLIC: Neighbor Anthony Marusic 44 Windham Road was sworn in. He is concerned with the tree that crosses the property line between his property and the Kesaglou home due to the construction of the retaining wall. Mr. Hampton explained that there will be minimal depth digging to disturb tree roots. Mr. Marusic asked if any trees will be planted on neighboring properties; the applicant's landscaper said no. The neighbors also concerned with the potential for flooding on his property because of the construction and said he believes the fence height should be 6 ft. The applicant's site engineer explained that the tiered plateau the pool was to be located would reduce runoff in conjunction with the additional seepage pit.

Neighbor Kathy Marusic 44 Windham Road was sworn in. She asked where the fence and landscaping will be located. The applicant's professionals provided the locations.

Neighbor Patrick Lee was sworn in. He asked that his irrigation heads and seepage pits be protected during construction. His yard has very poor drainage. Mr. Kesaglou and Mr. Lee's houses were built by the same developer and received subdivision approval from the Planning Board. He asked several questions regarding the fence, landscaping and retaining wall. The applicant's landscaper testified they will exercise care in locating and relocating any irrigation heads on the applicant's property.

Mr. Ritvo suggested *should* the Board look favorably on the application that a Developer's Agreement be prepared. Mayor Arnowitz made a motion to approve the variance application as modified by the Board at the hearing, seconded by Mr. Horvath. The Board voted to unanimously approve the application conditioned on the final submission of revised plans to the Board Engineer.

***PZ-04-13, Mario & Gina Amato, Block 504, Lot 1.01, 765 Hillsdale Avenue
Bulk 'c' Variance requests to maintain existing Site Improvements (Patios) to Existing Single-Family Dwelling; Setback Variances.***

Mr. John Lamb, Esq. the applicant's attorney and Mr. Amato were present.

The application seeks to retain/maintain a newly installed swimming pool and surrounding paver areas and aprons. The inground swimming pool is located 13.9 ft. from the rear property line, and 12.6 ft. from the side property line. The existing concrete paver patios are located as close as 1 ft. from the rear property line and about 4 ft. from the side property line. Some of the paver patio space, including an entire section on the west (right) side of the pool, is located in the wetland buffer area. The western concrete paver walk is entirely located within the wetlands buffer area, as well as some fencing.

Mr. Amato was sworn in and testified that he purchased his home in 1999. He stated that he was unaware that all of the improvements being done over the last 3 years were not in compliance with the Borough and NJDEP regulations. However, the Board Engineer indicated that actual site work completed did not comply with the plans submitted for the Soil Movement Permit application revised soil movement plans were re-submitted to the Borough for approval prior to pool construction. Upon the Board Engineer's site inspection for the Certificate of Occupancy, land use and NJDEP violations were discovered (departure from the approved soil movement plans), thus the application is currently before the Board. The applicant will also have to seek NJDEP approval.

At this point, Mr. Ritvo suggested to Mr. Lamb's client that they obtain needed NJDEP approvals for wetlands buffer changes before the Board proceeds with hearing the application since the State could require substantial removal of pavers and hardscape. The application was carried to the July 30, 2013 Public Hearing.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Christie Wyssenski, Deputy Board Secretary