

BOROUGH OF HILLSDALE
RESOLUTION 15253

WHEREAS, Donna Lally (“Lally”) and 225 Washington Avenue, MJL, LLC, (hereinafter, the “Applicant” or the “Plaintiff”) has made application to the Planning Board of the Borough of Hillsdale (“Planning Board”) for various approvals in order to operate the property located at 150 Magnolia Avenue (hereafter, the “Property”) as a “sober house” (the “Application”). The Application included a request for in interpretation that a “sober house” met the Borough’s definition of a “family” and that, in the event that such definition was not met, that the Applicant was entitled to a “use” variance, pursuant to NJSA 40:55D-70(d) to permit said use; and

WHEREAS, after numerous public hearings, the Planning Board voted to deny the Application; and

WHEREAS, subsequent to said denial, the Applicant instituted two lawsuits. The First was filed in the United States District Court for the District of New Jersey and is captioned: *Donna Lally and 225 Washington Avenue, MJL, LLC v. The Borough of Hillsdale, New Jersey, the Planning of the Borough of Hillsdale and Tracey Jeffrey*, Case No. 2:15-ev-01705 (SCW-SCM)(the “Federal Action”) alleging damages pursuant to the Federal Fair Housing Act, 42 USC 3601, et seq. The Second was filed in the Superior Court of New Jersey, Law Division and captioned *225 Washington Avenue, MJL, LLC v. Planning Board of the Borough of Hillsdale*, Docket No. BER-L-448-15 (the “State Action”); and

WHEREAS, all parties, including the Governing Body, are desirous of settling the Federal Action in such a manner that it moots the State Action and serves to resolve all pending matters related to the Property; and

WHEREAS, the Governing Body has considered the matter at length and discussed the matter with all relevant counsel in closed session. As a result of these discussions the Governing Body has determined to settle the Federal Action and considered conditions to place thereon; and

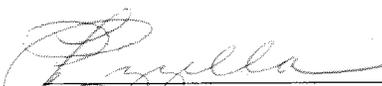
IT IS HEREBY RESOLVED, by the Governing Body of the Borough of Hillsdale that the various attorneys representing the Borough are authorized to execute a Consent Judgment which will serve to settle the Federal Action provided it contains a provision that there be no more than 4 persons residing in the “sober house” that the Applicant seeks to construct and that these persons pay all rent and common bills through a common checkbook and demonstrate indicia of residing as a family. Additionally, the Governing Body conditions their Resolution to resolve the Federal and State Actions on the Planning Board undertaking a “Whispering Woods” hearing pursuant to *Whispering Woods v. Middleton Tp.*, 220 N.J. Super. 161 (Law Div. 1987) which hearing has been agreed to by the Planning Board.

IT IS FURTHER RESOLVED, that the Borough Administrator and the Borough Attorney are authorized to implement the within Resolution as necessary.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeGise, Jason					X		
DeRosa, Anthony			X				
Looes, Chrisoula	X		X				
Meyerson, Lawrence		X	X				
Pizzella, Frank				X			
Ruocco, John			X				
Arnowitz, Max							

Adopted: December 1, 2015

Attest: 
Susan Witkowski
Municipal Clerk


Max Arnowitz
Mayor


FRANK A. PIZZELLA
COUNCIL PRESIDENT