

MINUTES OF THE FEBRUARY 12, 2014 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, M. Kates, E. Lichtstein, F. Franco, L. Calabria, Z. Horvath, J. Traudt,
M. Giancarlo (Leaves at 8:25PM), J. Miano, Councilman Kely

MEMBERS ABSENT: Mayor Max Arnowitz

EMPLOYEES PRESENT: Nylema Nabbie, Esq. Board Attorney
C. Statile, P.E., Board Engineer
P. Greigel, P.P., Board Planner
C. Wyssenski, Deputy Board Secretary

Chairwoman Calabria called the meeting to order with a reading of the Open Public Meetings Statement.

OPEN TO PUBLIC:

Vito DeCarlo from Anchor Fence approached the Board to discuss his prior Zoning Variance approval as he has a potential lessee who wished to park trucks on the site. He needed clarification on outdoor, overnight parking of the tenant. We had indicated to the Zoning Clerk that overnight parking was not permitted under the variance approval, only the subletting of the indoor warehouse space. Daytime employee parking was allowed in conjunction with the indoor sublet use.

The Board Attorney suggested that the applicant return to the Board for an amended site plan application to approve overnight parking of other tenant vehicles on the lot.

As no one further wished to speak, the open session was closed to public.

MINUTES

The February 6th meeting minutes were approved by the Board.

PUBLIC HEARINGS:

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

Continuation of Public Hearing from November 5, 2013

Councilman Kelly recused himself and left the Chambers.

Mr. Bell, Esq. the applicant's attorney, and the applicant's planner Joseph Burgis, P.P., were present. Mr. Burgis then made several clarifications from his prior testimony with respect to his source on treatment statistics. His source was the "Center for Behavioral Health Statistics and Quality ... Substance Abuse and Mental Health Services Administration." He was then made available for questioning from the Board and public.

OPEN MEETING TO PUBLIC (cross-examination of Mr. Burgis' testimony):

Mr. Kevin O'Brien questioned Mr. Burgis on the DCA Inspection report, and specifics on the dwelling's construction, need for fire escapes, 3rd floor ceiling height, windows, etc. Mr. Burgis confirmed it's a two-family dwelling. Mr. O'Brien also questioned the basis of the planning study about substance abuse, availability of housing for recovering substance abuse people, age limitation proposed by the applicant on this application (as being potentially discriminatory).

There being no further questions for Mr. Burgis, the Chairwoman closed the Public Session and entertained questions from the Board

The Board Planner asked what use variance was being sought? d(1) - Inherently Beneficial Use, or d(2) Positive Criteria or Particular Suitability? They are seeking both.

Mr. Litchstein questioned the proposed occupants' disabilities and the multifamily use of the building, specially if other housing opportunities were available within the Borough.

Mr. Alter questioned whether and in what form would there be meetings in the dwelling, and also drug testing. He also asked about the current tenant and who is policing his conduct.

Mr. Franco questioned how the honor system (on drug and alcohol testing) was to work with the occupants.

The Chairwoman emphasized that Ms. Lally did not originally cooperate, as Mr. Bell had just expressed. The Chairwoman went on to state that it was the surrounding residents who brought Ms. Lally's property to the attention of the building department, not Ms. Lally herself.

Ms. Trout questioned the occupancy enforcement methods for tenants.

Several other questions were asked of Mr. Burgess by the members of the Board.

Mr. Bell then concluded his presentation by a review of the marked exhibits with the Board Attorney.

The hearing was carried to April 22, 2014 for the general public comments and presentations on the application. Mr. Alter asked the Board to allow the residents within 200 ft. to first make their presentations, and then to allow all other parties to speak thereafter. There was no consensus from the Board to change the original procedure already in place.

Respectfully submitted,

Christopher P. Statile, P.E.
Board Engineer