

**MINUTES OF THE JUNE 11, 2020 PLANNING BOARD MEETING
BOROUGH HALL, BOROUGH OF HILLSDALE**

MEMBERS PRESENT: E. Lichtstein, E. Alter, M. Kates, J. Miano, S. Raymond, S. Riordan
Chairman M. Giancarlo, Councilman Z. Horvath, D. Burleson
D. Friedman, Mayor J. Ruocco

MEMBERS ABSENT: None

EMPLOYEES PRESENT: N. Nabbie, Esq., Board Attorney
C. Statile, P.E., Board Engineer
C. Reiter, P.P., Acting Board Planner
E. Madger, Acting Deputy Secretary

Chairman Giancarlo called the meeting to order with a reading of the Open Public Meetings Statement at approximately 7:30pm.

OPEN TO PUBLIC (for matters not on the Agenda):

As no one wished to speak, the meeting was closed to the public.

MINUTES:

The *May 26, 2020 Virtual Meeting Minutes* were approved by the Board.

RESOLUTIONS:

Caroline Reiter, PP, AICP to prepare planning review for NIZA, LLC use variance

A motion was made by Vice Chairwoman Miano and seconded by Mr. Raymond to approve this resolution. The Board was polled and the motion passed; the resolution was adopted.

Caroline Reiter, PP, AICP to prepare planning review for Build for Success use variance

A motion was made by Mr. Raymond and seconded by Vice Chairwoman Miano to approve this resolution. The Board was polled and the motion passed; the resolution was adopted.

INVOICES:

Cleary, Giacobbe, Alfieri, Jacobs, LLC Invoices

A motion was made by Mr. Alter and seconded by Mr. Raymond. The Board was polled and the motion passed. The invoices were approved for payment.

BOARD BUSINESS:

Board Planner Position

As Burgis Associates submitted a response to the RFQ for 2020 Board Planner, Joe Burgis and Tom Barrens were both virtually present. Mr. Burgis spoke to the Board about his planning firm and the planning work they currently do throughout the state for various municipalities. As their office is located in Westwood, they can easily accommodate Hillsdale's needs to their locality to the Borough. Board members had the opportunity for comments and questions for the two professionals. It was

confirmed Burgis Associates always assigns two people per municipality for which they have acquired a professional services position. It was further confirmed that Mr. Barrens would be the Board Planner for the majority of the meetings. However, in the event of a conflict, Mr. Burgis would fill in. Mr. Burgis stated he does attend meetings himself occasionally in order to keep current with the municipality.

The Board discussed the previous submission from Caroline Reiter, professional planner from Statile Associates. Chairman Giancarlo stated he requires legal guidance on whether or not the Board may consider her a valid applicant for the RFQ since she responded to the Board's initial RFQ and not its subsequent RFQ. It was confirmed this matter will be determined at the next scheduled meeting.

Due to the nature of the upcoming application, as well as a conflict of interest, Mayor Ruocco, Councilman Horvath, and Ms. Kates all recused themselves.

PUBLIC HEARINGS:

***PZ-01-20; Block 1501, Lot 2; Ilda & Edward Beja; Niza LLC; 330 Broadway
Use Variance application to occupy commercial space with a residential unit***

Counsel for the Applicant – Howard Siegel, Esq.

Board Attorney Nabbie confirmed all present Board members are eligible to vote on this application and Mr. Burleson will fill in as alternate for Ms. Kates. Thus, seven members can vote.

Mr. Siegel summarized what was discussed at the previous hearing on the matter which occurred virtually on May 26, 2020. He also reviewed which documents were submitted by the applicant including a letter from Zoning Official Merlino which he stated he feels proves the existing non-conforming use.

Ms. Nabbie stated irrespective of what has been submitted by the applicant, the applicant must provide affirmative proofs to establish the existing non-conformity in terms of the use. Furthermore, the applicant is obligated to present planning testimony with respect to positive and negative criteria. If the applicant does not want to provide a professional planner, unfortunately neither Mr. Siegel nor the applicants are qualified to give planning testimony. She further informed the Board and Counsel that to conduct a vote on the application this evening is at the applicant's risk. It was confirmed the applicant does indeed require a d2 variance in order for this application to be considered approved.

Ms. Reiter asked Mr. Siegel if he prepared **Exhibit A**; he replied he did. Ms. Reiter confirmed she will not discuss the exhibits. Mr. Siegel requested the matter be carried to a future meeting in order to allow time for the applicant to obtain a professional planner, stating the applicant does not waive their rights to same. Ms. Reiter confirmed she would save her questions until after the applicant's planner presents testimony; Mr. Statile concurred this would be the best way to proceed.

Ms. Nabbie stated it is the applicant's decision whether or not to continue the hearing this evening and provide planning testimony later on, however she stated she believes it is better to waive the time and adjourn, returning for a later hearing. Mr. Siegel stated he intends to continue at a later hearing.

Mr. Siegel confirmed the applicant waives and extends the time frame for the Board to act. Ms. Nabbie announced this application is hereby adjourned to June 23 at 7:30pm by way of virtual meeting and no

further notice will be provided to the public; the announcement serves as notice.

The meeting was opened to the public at this time. As no one wished to speak, the meeting was closed to the public.

Chairman Giancarlo dismissed Ms. Reiter at this time and she exited the virtual meeting. Ms. Nabbie discussed if Ms. Reiter should be considered for the Board Planner position due to her prior submission and language stated on the record that no one who submitted a response to the initial RFQ is being excluded by the re-notice of an additional RFQ for the Board Planner position. She stated the Board must decide what they thought at the time they chose to publish a second RFQ for Board Planner. After discussion and various questions and comments, the Board determined it will interview Ms. Reiter for the Board Planner position.

There was a subsequent discussion regarding the possibility of the Board Planner attending hearings on c variances as well as d variances. It was determined the presence of the Board Planner will be determined on a case by case basis at the time of completeness review as the Board opined that many c variances are straightforward and do not require a professional planner.

FUTURE PUBLIC HEARINGS:

***PZ-06-18 Block 1308, Lots 15 & 16, RJN 333, LLC, Applicant, 333 Washington Ave.
Amended to Three - Lot Major Subdivision with Bulk Variances. Revised Plans***

Mr. Statile informed the Board that Counsel for the application requested the application be removed from the agenda until in-person meetings have resumed and confirmed Counsel is aware that this may not occur until the second meeting in July.

***PZ-02-20 Block 1212, Lot 15.02 Preserve at Hillsdale, Patterson Street
40-Unit Apartment approved via Resolution 2017-09 Amended Major Site Plan with Bulk
Variance for two new Carports and Accessory Building***

Mr. Statile confirmed this matter is scheduled for July 9, 2020 and intends to move forward at that time.

Enforcement issues on previously approved projects were discussed. Virtual meeting access issues were also discussed.

The meeting was adjourned.

Respectfully submitted,

Statile Associates Consulting Engineers and Planners