

MINUTES OF THE MAY 14, 2014 PLANNING BOARD  
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, M. Kates, F. Franco, J. Miano, J. Traudt,  
M. Giancarlo, L. Calabria, Z. Horvath, E. Lichtstein

MEMBERS ABSENT: Councilman Kelley, Mayor M. Arnowitz

EMPLOYEES PRESENT: Nylema Nabbie, Esq., Board Attorney  
Christopher Statile, P.E., Board Engineer  
Paul Grygiel, P.P., Board Planner  
Caitlin Chadwick, Acting Deputy Secretary

Chairwoman Calabria called the meeting to order at approximately 7:45 pm with a reading of the Open Public Meetings Statement.

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

Marisa Cefali asked about the time frame of 200 ft. notices sent out by applicants before the Board. Matthew Scozzafava voiced concerns about rules pertaining to evidence before the Board. Ms. Nabbie explained that evidence/exhibits are marked and generally preserved by the Board for later appeals. Mr. O'Brien raised similar concerns pertaining to evidence, specifically regarding where marked documents should be retained. Ms. Nabbie confirmed that marked documents are retained in the municipal building. Barbara Finnigan asked if Ms. Donna Lally needs a certificate of occupancy for her tenants at 150 Magnolia. Ms. Nabbie and Chairwoman Calabria asked that any questions pertaining to this application on the current agenda be held until it is opened by the Board.

DISCUSSION:

The Board discussed potential electronic distribution of plans, applications, etc. to its members in advance of hearings. It was decided that Mr. Statile and Ms. Chadwick will scan non-drawing documents and distribute to Board members through the Engineer's FTP site. At the meeting an application is deemed complete, Mr. Statile will leave 2-3 drawing sets with any Board member to take home for review. Applications are always available at the Borough Hall in order that Board Members may review drawings prior to meetings.

Next, Caliber Builders' request for a special meeting was discussed. It was decided that Ms. Nabbie will contact the applicant's attorney(s) with the goal of reaching an agreement.

Finally, the Environmental Commission's site plan review procedures were discussed. It was determined that once preliminary plans are approved by the Board, the review of final site plans by the Commission shall involve a comparison against the preliminary plans to check if substantial changes were made and if all conditions of approval were satisfied, including the Commission's.

MINUTES:

The *April 22, 2014* minutes were approved by the Board.

BILLS:

Invoices from Phillips Preiss Grygiel LLC were approved by the Board. Invoices from Ms. Nabbie were tabled for revisions.

RESOLUTIONS:

***Memorializing Resolution No. 2014-10, New Cingular Wireless; Block 1406, Lot 3; Height Use Variance*** for a new cell tower was approved by the Board.

PUBLIC HEARINGS:

***PZ-12-12; 225 Washington Ave., MJL, LLC; Block 1406, Lot 3; 150 Magnolia Avenue Use variance application***

Hillsdale Code and Zoning Official Tracy Jeffrey was sworn in before the Board.

Ms. Jeffrey informed the Board of the Borough's Zoning Department's actions with respect to the occupancy of the subject dwelling. She reviewed various documents she received via mail from the applicant and the applicant's attorney Alan Bell, Esq. Among these documents was a "Certification in Lieu of Affidavit" from the State of New Jersey which Ms. Lally and previous code & zoning official Mr. Durie signed. This document was marked PB-1. A brochure entitled, "150 Magnolia House: Everyone Deserves A Fresh Start," was marked PB-2. A letter dated 11/7/11 from Ms. Jeffrey to Mr. Nunzo was marked PB-3. A hand-written letter dated 11/1/11 to the Hillsdale Zoning Official from Ms. Lally which contained attorney Mr. Nunzo's information was marked as PB-4. A request to enter a plea agreement, dated 8/20/13, was marked as PB-5 and references three different summons: SC002569, SC002571, and SC002570. Summons #SC002571, Section 226-2 of Hillsdale Code dated 5/15/12 and Section 310-20 of Hillsdale Code dated 6/15/03 was marked PB-6. Summons #SC002570, Section 146-B and Section 226-2A of 5/15/12 was marked PB-7. Finally, a letter dated 6/11/12 from Ms. Jeffrey to Mr. Bell was marked PB-8. A letter dated 5/24/12 from Mr. Bell to Ms. Jeffrey was marked PB-9.

Ms. Jeffrey, Mr. Bell, and the Board further discussed legal and zoning matters pertaining to 150 Magnolia House and the her documents. The Board also asked how the Borough Zoning Official made a determination of two-family occupancy, and how these determinations are made pertaining to other zoning matters. It was determined that it is the responsibility of the applicant to provide paperwork which states whether or not a dwelling is a legal, pre-existing non-conforming use or occupancy though a comparison of a past zoning ordinance.

Resident Mr. Kevin O'Brien questioned Ms. Jeffrey on Exhibit OB-10, a report by the NJDCA.

The Board discussed the possibility of having a member of the Fire Prevention Bureau come in to testify and speak about the fire escape issue at 150 Magnolia.

The application was carried to July 29<sup>th</sup>, 2014. At 10:48pm, the meeting was adjourned.

Respectfully submitted,

Caitlin Chadwick  
Acting Deputy Secretary