

MINUTES OF THE APRIL 10, 2013 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

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

MEMBERS ABSENT: Mayor Max Arnowitz, Councilman DeGise

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

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

MINUTES FOR APPROVAL:

The March 19th meeting minutes were approved by the Board.

DISCUSSION:

By-laws

The Board decided to include the language “at their expense” to the by-laws for the applicant’s payment of the cost of a meeting transcriber when requested by the Board.

CORRESPONDENCE:

Sign Ordinance – Correspondence was received and filed regarding business owners receiving copies of the sign ordinance.

COMPLETENESS REVIEWS

***PZ-04-13, Mario Amato & Gina Sardella, 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.***

The application was deemed complete and scheduled for a Public Hearing on May 28, 2013.

OPEN MEETING TO PUBLIC

Donald McLaughlin, Esq. who represents a flood coalition of concerned residents, was asked to save his comments regarding the ongoing United Water litigation for later in the meeting.

Kevin O’Brien, 61 Parkview Terrace, questioned how the Board could deem an application complete without the receipt of a Planner’s report. The Board explained a Planner’s report is not part of the official municipal “checklist” ordinance for application completeness. Therefore, it could be provided during the tenure of hearings either at the request of the Board, or at the will of the applicant. Such reports should be made available to the public at least 10 days prior to its presentation to the Board.

PUBLIC HEARING:

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

Mr. Bell, Esq., the applicant's attorney was present. Ms. Donna Lally, the owner, operator, and applicant for 150 Magnolia Avenue was also present.

The Board began their cross-examination questioning of Ms. Lally. Ms. Lally testified the 3 rules governing the home would be: no drugs or alcohol, run as a democracy, and each tenant would pay an equal share. This is similar to the Oxford House principles, however, the home is not an Oxford House. Mr. Bell indicated that tenant eviction rules do not apply under the 2036 Federal Disability Act.

With respect to current occupancy of the building, the single resident is drug-free and Ms. Lally is in contact with his therapist and knew the family. A Board Member indicated Oxford House will not charter a house with less than six residents due to a higher success rate with larger occupancy. Ms. Lally referred that question to the addiction specialist that will be testifying.

Ms. Lally indicated the house is not a not-for-profit. The Board asked additional questions regarding applicants with criminal records, and if an applicant refused to provide Ms. Lally with permission to contact their doctor or treatment center. Ms. Lally further testified she would not accept anyone who had a violent history or was a sex offender. She was also asked by Board members why she didn't consider joining Oxford House.

OPEN MEETING TO PUBLIC:

Teresa Henry, 14 Cross Street asked of Ms. Lally regarding if any summons have been issued for the property, if there would be pedestrian traffic in and out of the home such as visitors.

Matthew Scozzafava, 167 Magnolia Avenue questioned Ms. Lally as to what type of business she was and if she had applied for any loans under the "Anti-Drug" act.

MaryAnn MacMillan, 103 Conklin Avenue asked what government agencies Ms. Lally is affiliated with, and if Ms. Lally is claiming the "use" to be inherently beneficial. Ms. MacMillan further questioned Ms. Lally if she's ever been a landlord before, who currently maintains the property, why she is not choosing to become an Oxford House, where Ms. Lally fits into the "home" and why Ms. Lally is not affiliated with any agencies and/or facilities locally. Ms. Lally deferred the questions to the addiction specialist that will be testifying.

The application will be again heard at the June 12th Public Hearing of the Board.

CLOSED SESSION: The Board went into Closed Session to discuss United Water litigation.

Upon returning from Closed Session, the Board asked that Mr. Ritvo and Mr. Statile discuss with the Mayor and Council the governing body's intentions with the United Water litigation.

Respectfully submitted,

Christie Wyssenski, Deputy Board Secretary