

MINUTES OF THE FEBRUARY 13, 2013 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, M. Kates, Councilman DeGise, M. Giancarlo, E. Lichtstein,
F. Franco, L. Calabria, J. Miano, Z. Horvarth

MEMBERS ABSENT: Mayor Arnowitz, J. Traudt

EMPLOYEES PRESENT: Stephen P. Sinisi, Esq. Acting Board Attorney
C. Statile, P.E., Board Engineer
C. Wyssenski, Deputy Secretary

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

APPOINTMENT OF PLANNING BOARD ATTORNEY:

The Board appointed Mr. Harold Ritvo as the 2013 Planning Board Attorney. The Board thanked Mr. Sinisi for his services and welcomed Mr. Ritvo to the Board. Chairwoman Calabria asked the Deputy Secretary to write the applicants and thank them for their qualification submissions.

MINUTES FOR APPROVAL:

The January 29, 2013 meeting minutes were approved by the Board.

PUBLIC HEARING:

PZ-8-12, Jeanne Marie Gardens, Block 1212, Lots 15 & 16, Esplanade & Patterson St 3, Major Subdivision & Site Plan with Variances Application

Mr. Weiner, Esq., the applicant's attorney was present to request an adjournment to the March 19th Public Hearing. After reviewing the application file, Mr. Weiner noticed that referral forms may not have been delivered to all of the borough agencies for review in sufficient time for responses to the Board. The applicant's architect was also unavailable to testify due to illness.

Mr. Weiner invited members of the public to speak to him and the applicant so that they can voice their concerns prior to the March 19th meeting to possibly resolve conflicts. The application will be heard on March 19th without further notice to the public.

OPEN MEETING TO PUBLIC: Marisa Cefali, 6 Mason Place, asked for clarification of what "without further notice to the public" meant. The Chairwoman explained.

INVOICES:

The Board approved Mr. Sinisi's and Mr. Ritvo's invoices.

DISCUSSION:

Councilman DeGise discussed the Mayor and Council's decision regarding having a stenographer present at Planning Board meetings. The Council determined that the cost for a stenographer was too excessive and not within the Planning Board budget. Should a verbatim transcript be required, the Council would send the audio to be transcribed. Borough Clerk Witkowski suggested a CD be burned at each meeting and kept with the Deputy Secretary as a fail-safe recording. Councilman DeGise indicated the Borough Administrator will no longer delete recorded meetings after one year.

Several Board members are concerned with not having verbatim transcriptions of upcoming applications. Mr. Ritvo suggested the Board update the by-laws to include that applications may require a stenographer. Also, should legal action ensue, the plaintiff (the applicant) would be required to provide transcripts to the Board Attorney for his use in the Board's defense. Mr. Ritvo went on to explain it would be rare that the Board itself would require a transcript, since transcripts are generally used by a plaintiff who may be taking action against the Board.

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

Upon returning from Closed Session, the Board appointed Mr. Ritvo to defend the Board in the pending litigation of the 100 Park Avenue use variance denial.

Respectfully submitted,

Christie Wyssenski, Deputy Board Secretary