

MINUTES OF THE FEBRUARY 26, 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, J. Traudt

MEMBERS ABSENT: Mayor Max Arnowitz

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 February 13 meeting minutes were approved by the Board.

DISCUSSION:

***By-laws***

The Board decided to carry the by-laws discussion to the March 19th meeting.

COMPLETENESS REVIEW:

***PZ-10-12, Garcia, Block 708, Lot 5, 50 Pascack Rd., Variance Application for Site Improvements***

The application was deemed complete and scheduled for a public hearing on April 23, 2013.

***PZ-02-13, Anchor Fence Contractors, Block 1212, Lot 13, 270 Knickerbocker Ave., Minor Site Plan Application for Leasing Space***

The application was deemed incomplete.

***PZ-3-13, Kesoglou, Block 802, Lot 19, 50 Windham Road, Variance Application – Bulk Variances required for impervious coverage, rear and side yard setbacks.***

The application was deemed complete and scheduled for a public hearing on April 23, 2013.

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OPEN MEETING TO PUBLIC  
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Chairwoman Calabria informed the members of the public of the Board's procedures for the open portions of the meeting to the public. She then opened the meeting to the public for any matters.

Mr. Matthew Scozzafava, 167 Magnolia Avenue, spoke and indicated that he was representing several of his neighbors in opposition to the 150 Magnolia Avenue application on the Board's agenda for a public hearing. The residents were interested in hearing more information about the upcoming application, and asked the Board to guide them while the application was being heard.

Kevin O'Brien, 61 Parkview Terrace, asked the Board about their position regarding NJBPU's decision that the NJDEP had the sole jurisdiction on the matter of United Water's damn reconstruction. The Chairwoman informed Mr. O'Brien the Board will be discussing this issue at 9:45 pm.

**PUBLIC HEARING:**

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

Chairman Degise and Mayor Arnowitz recused themselves from the application.

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

Mr. Bell indicated to the Board that he believes the application is an "a" variance; the appeal of the zoning officers decision. However, should the Board disagree he wishes to pursue a "d" use variance simultaneously. Mr. Bell also requested, upon conclusion of his case, a separate vote for each application.

Mr. Bell indicated that the federal fair housing act includes alcohol and drug addiction as a handicap. Therefore, landlords can not discriminate against such potential tenants.

Mr. Bell introduced his first witness, Ms. Lally. Ms. Lally is a recovering alcoholic who presently has one tenant on the second floor of the home. When she purchased the home, she was informed it was a legal two-family home. It is her intention to have 150 Magnolia Avenue as a sober living facility with tenants on the 2<sup>nd</sup> and 3<sup>rd</sup> floor of the home. She would continue to reside on the 1<sup>st</sup> floor.

She would model her tenant leases after the Oxford House. Ms. Lally would receive referrals from long term in-patient drug and alcohol rehabilitation centers or the NY Professional Liaison Association. She would perform the intake interviews herself modeled after Oxford House's intake interview process.

The tenants would live in the house for at least 9 months. Her current tenant has lived with her for ten months. She indicated that she would agree to a stipulation of men only over the age of 30 and will use a paid background check service.

The Board members asked Ms. Lally numerous questions related to tenant screening procedures by herself of other tenants, tenant lease negotiations, existing lease agreements, and tenant lease termination policy. The Board also asked about interior living accommodations. The Board asked the Deputy Secretary to ask the Police Department, Fire Department and Board of Health to provide their input on the application.

Due to the late hour, the application will be carried to the April 10<sup>th</sup> meeting of the Board.

**OPEN MEETING TO PUBLIC:** MaryAnn MacMillian, 103 Conklin, asked if the Board could carry the hearing to the April 23<sup>rd</sup> meeting. The Board indicated it could not.

**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