

MINUTES OF THE SEPTEMBER 11, 2013 PLANNING BOARD  
BOROUGH HALL, BOROUGH OF HILLSDALE

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

MEMBERS ABSENT: Mayor Max Arnowitz, Councilman DeGise

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

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

OPEN TO PUBLIC: Kevin O'Brien, 61 Parkview Drive, asked the Board to consider making advance expert reports' availability included into the by-laws of the Board. He also requested that when the attorney's place an objection on the record that it be less than a five minute discussion to maintain time for the Board and members of the public. He also asked about parking availability for downtown vendors and patrons. The Board re-iterated that all application materials are available at the Building Department desk during normal business hours for review by the public. And that some experts do not render their reports in advance, nor is there any statutory laws governing expert report submissions in advance. The applicant merely has to meet the Completeness Checklist requirements of the Board.

MINUTES

The August 14, 2013 meeting minutes were approved by the Board.

RESOLUTIONS:

***PZ-05-13 Fran & Michael Kanter***

Mr. Ritvo, Esq. prepared a resolution to approve the F.A.R. variance application to construct an addition to their dwelling. Mr. Alter made a motion to approve the resolution, seconded by Mr. Franco. The Board voted unanimously to approve the resolution, with the exception of Ms. Calabria who was ineligible to vote on the application.

***PZ-03-13, Kesoglou***

Mr. Ritvo, Esq. prepared a resolution to approve the bulk variance application to contract a new in-ground pool. Mr. Horvath made a motion to approve the resolution, seconded by Mr. Alter. The Board voted unanimously to approve the resolution, with the exception of Mr. Giancarlo who voted against the application.

COMPLETENESS REVIEW:

***PZ-09-13, Inserra Supermarkets, Inc.:***

***Applicant, Crossroads – Broadway Associates, LLC:***

***Owner, Block 1007, Lots 13-16,***

***Broadway and Coles Crossing Road, Major Subdivision & Site Plan with Variances Application***

The application was deemed complete by the Board Engineer and thereafter scheduled for a Public Hearing on October 29, 2013.

PUBLIC HEARINGS:

***PZ-02 -13, Anchor Fence, Block 1212, 13, 270 Knickerbocker Avenue – Industrial Zone***

***Minor Site Plan and Use Variance for Interior Storage Lease Space***

Jason Rubin, the application's attorney and Tibor Latincsics, P.E., P.P, the applicant's engineer and planner were present. Mr. Vito DiCarlo is the current tenant in the building and is proposing to sublease unused space in the building. Mr. DiCarlo has a 5-year lease at his current location. He stores materials for his fencing company and runs his business from this location. He does not have a proposed tenant to occupy the building. Mr. DiCarlo indicated he will agree to all conditions set in the Board Engineer's report. Yearly fire inspections are made, there is no fuel storage on-site and in accordance to the sublease agreement he is responsible for the actions of his tenant.

Mr. Horvath made a motion to approve the application. Mr. Franco seconded the motion. The Board voted in favoring of application. Chairwoman Calabria abstained from voting.

*The Board also asked the Engineer to provide information on permissible interior storage of flammable liquids.*

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

***Application continued from June 12, 2013***

Mr. Bell, Esq., the applicant's attorney and the applicant's expert witness Anthony Polito LCSW, LCAD, were present.

OPEN MEETING TO PUBLIC (public's cross-examination of Mr. Polito):

Theresa Henry, 14 Cross Street asked if there was any scientific data about the size of sober homes and any legal information about how sober living people live together.

Jason Bohan, 170 Magnolia Avenue asked Mr. Polito asked his qualifications and the "type" of people he treats.

Mary Ellen Breen, 183 Magnolia Avenue asked about the relapse rate and what the percentage of alcoholics are drug addicts.

Anthony DeRosa, 280 Cambridge Road asked when Mr. Polito was contracted by Ms. Lally for his services and how did he develop his testimony. Mr. DeRosa asked Mr. Polito's opinion on Ms. Lally's accepting mentally and physically challenged residents.

Diane Scozzafava, 167 Magnolia Avenue questioned Mr. Polito’s qualifications as an expert. She also asked about urine testing and how often that should be performed by Ms. Lally and if those results would be made available to the Health Department.

Kevin O’Brien, 61 Parkview Drive, questioned Mr. Polito’s qualifications and previous work experience and history from his LinkedIn profile. Mr. O’Brien also asked Mr. Polito when he prepared his testimony and what he was asked to testify about.

Matthew Scozzafava, 167 Magnolia Avenue submitted rental homes within the Pascack Valley area and asked why those homes are being used as sober living facilities.

Jason Bohan, 170 Magnolia Avenue asked Mr. Polito if a halfway house is considered a treatment facility.

During the cross examination by the public, Mr. Polito said that he was an L.C.S.W. and as such, he was not an expert specially on “sober living” facilities, but an expert as a drug and alcohol addiction counselor which he practices.

Several of the Board Members also asked follow up questions of the witness. Mr. Alter displayed the same Alcohol Saliva Testing Certificate that Ms. Lally claimed to have earned, which he obtained by taking a 5 minute quiz, to which the Lab provided the answers. He questioned Mr. Polito on his view of this type of certification.

-----

Mr. Bell informed the Board he will have the applicant’s planner present to testify at the next meeting of the Board. The application will be continued at the November 5<sup>th</sup> Public Hearing of the Board.

Respectfully submitted,

Christie Wyssenski, Deputy Board Secretary