

BOROUGH OF HASBROUCK HEIGHTS

MINUTES

June 28, 2005

A Regular Meeting of the Mayor and Council of the Borough of Hasbrouck Heights was held on Tuesday, June 28, 2005 at 8:18 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, New Jersey.

Borough Clerk Rose Marie Sees stated that the meeting complied with the Sunshine Law, adequate notice of this meeting having been made to all members of the Council by personal service on January 4, 2005 and transmitted to The Observer, The Record and The Herald News on January 4, 2005.

ROLL CALL: Present: Mayor Ronald R. Jones, Councilwoman Carol J. Skiba, Councilman Leonard Introna (who arrived at 9:10 p.m.), Councilman Thomas E. Meli, Councilman Ronald F. Kistner, Councilman Justin A. DiPisa, Councilman Andrew Link III

Absent: None

SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE: Mayor Jones led in the Salute to the Flag and Pledge of Allegiance.

INVOCATION: The Invocation was presented by Rev. Karyn L. Wiseman, Pastor of United Methodist Church

COMMUNICATIONS:

1. Letter from Lieberman & Blecher and copy of Teterboro Airport Air Quality Study Revised Scope of Work to Environ as requested by the Coalition.
2. Letter from Bradley M. Campbell, Commissioner N.J. Dept. of Environmental Protection and grant check for \$40,000 for "Improvements to Woodland Park" project.
3. Letter from Bradley M.. Campbell regarding the dangers of feeding New Jersey's black bears and a checklist of preventive measures.
4. Note from Joel Hettger that his father, Henry J. Hettger celebrated his 100th birthday on June 10. Mr. Hettger was a resident of Hasbrouck Heights from 1908 to 1930 and a graduate of Hasbrouck Heights High School. They now reside in Arlington, Va.

COMMUNICATIONS (cont'd):

Ralph Chandless, Jr., Borough Attorney referred to a letter received from Hartz Mountain regarding a change in zoning in the highway business zone, that change was made in March and he asked that he be allowed to respond, permission was given.

On a motion by Councilman DiPisa, seconded by Councilwoman Skiba, and unanimously carried, the foregoing Communications were accepted.

APPROVAL OF MINUTES: None

PETITIONS: None

BE IT RESOLVED that the claims and accounts amounting to \$66,489.30 specified in the schedule hereto annexed, having been examined and approved by the Finance Commissioner, or his Deputy, be paid and that warrants be issued therefore.

Signed Andrew Link, III
Commissioner of Finance

On a motion by Councilman Kistner, seconded by Councilman Meli, and unanimously carried, the foregoing Resolution was adopted.

REPORTS:

FINANCE AND SOCIAL SERVICES:

Under Social Services, Commissioner Link reported the food pantry was officially opened on April 25 and open every Monday from 9 to 11 a.m. Twelve volunteers man the pantry. Under Finance, the Commissioner gave the Finance Report for the month of May. The current fund cash balance as of May 31, 2005 was \$3,403,578.90; on April 30 was \$2,192,133.40 which represents an increase of \$1,211,445.50. The entire balance was invested and is earning 2.58%. Cash receipts for May totaled \$4,131,335.09 of which \$3,944,990.90 was for current taxes, \$39,055.87 was prior year taxes, and \$9,497.91 was grants and state aid and \$137,790.41 was miscellaneous revenues. Cash disbursements for May totaled \$2,919,889.59 of which \$1,379,290.16 was local school taxes, \$661,787 was county taxes, \$524,870.82 was salaries, and \$353,941.61 was for other expenses. He continued that the 2005 budget was introduced March 8, public hearing was April 12 and no decision has been received regarding extraordinary aid and the budget cannot be adopted as yet. Estimated tax bills for the third installment of 2005 taxes have been mailed to residents.

HEALTH AND PUBLIC FACILITIES:

Under Health, Commissioner DiPisa gave excerpts of the County report for May which is very lengthy and diversified. He continued the third annual Health Fair Expo is September 30. Under Public Facilities, the sprung building is removed and he thanked the administrator. The Community Awareness Access to All Committee prepared an extensive directory and copies were distributed to the mayor and council. Copies are available in the borough clerk's office. He congratulated Judy Mascis of the Library who is retiring.

POLICE AND RECREATION: Under Police, Commissioner Kistner commended the department on the 10th Annual Bicycle Marathon, for the June 3 Torch Run to which our police department is the second largest fundraiser for the State of New Jersey, the DARE Graduation party at the Swim Club. Under Recreation, the first summer concert was held at Woodland Park. The next concert is July 21. Recreation Camp has opened and the Rob Brady, director was commended. A special Town Hall Meeting will be held on July 18 to discuss the Recreation Department, the sixth grade class eligible to join the Recreation Center, volunteers for the grant for the softball field in Woodland Park for girls softball, and the open space grant for basketball courts.

Mayor Jones read a personal note from a resident which refers to Harry Carty Jr.'s retirement party, and thanks to the Police Department, namely Det. Kevin Corbliss on a recent incident involving her daughter and friend.

FIRE AND PARKS: Under Fire, Commissioner Meli reported volunteers responded to over five calls a day, one including another plane crash at Teterboro Airport, the third in the last four months, and the department was commended as well as the members of the department who also worked at the Bike Marathon, some staying all night. They participated in the Memorial Day Parade. Thermal Imaging Cameras were received through grant monies and are now installed on three major apparatus. Constant communication with Port Authority is ongoing, a meeting with their department heads will be held soon, and mutual training is continuing. Under Library, he congratulated Judy Mascis on her retirement. A cookbook is in the process of being compiled by Library Trustee Maryetta Saccomano. Under Parks, an inspection of playgrounds as to the condition of apparatus is scheduled. The parks are in the process of being cleaned and the new park on Central Avenue plans are ongoing. As Deputy Police Chief, he reported the Williams and Boulevard changes are in the process of being done. He attended the high school graduation and congratulated the three high honors, Roselyn Bocker, Amanda Kistner and Diane Powell. He publicly thanked Michael Kronyak and Ralph Chandless for their hard work.

SANITATION, LAND USE, STREETS AND TRANSPORTATION: Under Sanitation, Deputy Commissioner Skiba reported the DPW has purchased a new six-yard salt

SANITATION, LAND USE, STREETS AND TRANSPORTATION (cont'd):

spreader bringing up the total to four which will enable them to salt roadways in less time. Under Property Maintenance, Deputy Commissioner Skiba reported there were reports received of PSE&G digging up Hamilton Avenue and Boulevard and their being asked to clean up daily. Various complaints of fences and retaining walls in disarray, property in disarray, rain water on other residents property and overhanging trees which were addressed by the property maintenance official, Ed Carter. He issued 14 warnings for overgrown lawns, and six contractors that they cannot place their signs on display. Under Streets, Commissioner Skiba reported a section of stormwater pipe collapsed on Plant Road and a catch basin on Main Street caved in and both were repaired. The 2004 Road Repaving Program has begun and includes Stanley, Longworth, Berkshire Avenues and Central Avenue from Boulevard to Woodside Avenue. Oak Grove is scheduled to be resurfaced this year through a state grant. The labeling of all catch basins has been completed, which is a stormwater regulation. Regarding Teterboro Airport, on June 20 there was a Senate Legislative Committee meeting chaired by Senator Sarlo and co-chaired by Senator Lezniak, with Port Authority and Teterboro Managers present. Mr. Coccia put five points the Port Authority strives to achieve at Teterboro: (1) ban all stage 2 aircraft effective September 1; (2) written to the Federal Reserve seeking to have them cease flying out of Teterboro as 50% of air traffic between midnight and 6 a.m. is Federal Reserve. (3) limit the total maximum weight to 80,000 lbs (4) increase landing fees which revenue would be used to not foster expansion, but address safety issues and barriers (5) actively seeking to disperse aircraft capacity elsewhere without causing the same adverse impact on our community and planning to put together a study for a fourth airport in the region.

REPORT OF MAYOR: Mayor Jones had attended the Recreation Concert which he said was great. Woodland Park will have handicap accessible facilities through a grant. He encouraged residents to attend the Lion's Club Fireworks on July 2. He had the honor to give out awards at the high school seniors, including the Mary B. Quigg Scholarship Awards, and a new award, the Andy Feintuch Memorial Award which was donated by Andy's father, Max Feintuch who attended the awards ceremony. The Senior Picnic will be held on July 14 at Woodland Park for all seniors.

Councilwoman Skiba requested that a proclamation be sent to Mr. Hettger on his 100th Birthday and was unanimously carried.

Councilman DiPisa memorialized Andy Feintuch in his capacity as Recreation director.

APPOINTMENTS: Jay Patel to Fire Department Ambulance Squad

On a motion by Councilman Meli, seconded by Councilwoman Skiba, and unanimously carried, the foregoing Appointments were approved.

NEW BUSINESS:

CONSENT AGENDA: 114. Renewal of 2005-2006 Liquor License Holders

On a motion by Councilwoman Skiba, seconded by Councilman Meli, and unanimously carried, the foregoing Consent Agenda Resolution was approved (Copy attached).

RESOLUTIONS: 115. Authorizing Refund for Overpaid Taxes

116. Authorizing Grant Agreement with N.J. Dept. of Community Affairs for Local Library Aid

116. Authorizing Award of Bid for Acquisition of 2006 Roll Off Truck

116. Authorizing Agreement with the Owner of Lot 45 in Block 5 to Allow the Removal of a Tree Required in Connection with a Sewer Repair

On a motion by Councilman Kistner, seconded by Councilman DiPisa and unanimously carried, the foregoing Resolutions were approved. (Copies attached)

ORDINANCE(S) ON INTRODUCTION:

ORDINANCE NO. 2092:

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE AMENDING SUBSECTION A ENTITLED “PERMITTED DRIVEWAYS” IN SECTION 275-25 ENTITLED “PARKING RESIDENTIAL DISTRICTS” OF CHAPTER 275 ENTITLED “ZONING” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO INCREASE THE MAXIMUM PERMITTED WIDTH OF CERTAIN DRIVEWAYS”** was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on July 12, 2005.

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE SUPPLEMENTING SCHEDULE 1 ENTITLED “SCHEDULE OF DISTRICT USE REGULATIONS” OF CHAPTER 275 ENTITLED “ZONING” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS AS WELL AS SUPPLEMENTING SECTION 275-21 ENTITLED “REGULATIONS GOVERNING CERTAIN ACCESSORY STRUCTURES**

ORDINANCE(S) ON INTRODUCTION (cont'd):

ORDINANCE NO. 2093 (cont'd):

AND USES” OF SAID CHAPTER SO AS TO PERMIT IN THE B-1 CENTRAL BUSINESS DISTRICT MASSAGE THERAPY CONDUCTED BY A LICENSED MASSAGE THERAPIST IN ACCORDANCE WITH REGULATIONS IMPOSED THEREON BY THE HEALTH CODE OF THE BOROUGH OF HASBROUCK HEIGHTS AND UNDER CERTAIN FURTHER CONDITIONS AND LIMITATIONS WHEN UNDERTAKEN IN CONNECTION WITH CERTAIN PRINCIPAL USES PERMITTED IN THAT DISTRICT” was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on July 12, 2005.

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE TO SUPPLEMENT SCHEDULE 2 ENTITLED “AREA, BULK AND YARD REQUIREMENTS FOR PRINCIPAL USES” OF CHAPTER 275 ENTITLED “ZONING” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO INCLUDE THEREIN A FOOTNOTE REFERRING TO THE DEFINITION OF “BUILDING HEIGHT” AND FURTHER SUPPLEMENTING THE DEFINITION OF “BUILDING HEIGHT” CONTAINED IN SECTION 275-6 ENTITLED “DEFINITIONS” OF THE SAID CHAPTER AND FURTHER SUPPLEMENTING SECTION 275-38 ENTITLED “BUILDING PERMITS” OF SAID CHAPTER SO AS TO INCLUDE THEREIN PROVISIONS IN RESPECT TO THE MEASUREMENT OF BUILDING HEIGHT”** was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on July 12, 2005.

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE TO SUPPLEMENT SCHEDULE 2 ENTITLED “AREA, BULK AND YARD REQUIREMENTS FOR PRINCIPAL USES” OF CHAPTER 275 ENTITLED “ZONING” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO INCLUDE IN THE COLUMN DESIGNATED “MAXIMUM FLOOR AREA RATION (PERCENT)” THE LIMITATION OF 55% AS TO ONE-FAMILY AND TWO-FAMILY DWELLINGS IN THE R-1, R-2, R-3 AND R-4 ZONES AND A FOOTNOTE REFERENCE TO THE DEFINITION OF THE FLOOR AREA TO BE APPLIED IN SUCH LIMITATION”**

This ordinance was not introduced and referred to the Special Work Session following the regular meeting to discuss the manner of introduction as per the Mayor’s Request.

ORDINANCE(S) ON INTRODUCTION (cont'd):

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE SUPPLEMENTING SECTION 84.12 ENTITLED “PROHIBITION; EXCEPTIONS” OF ARTICLE V ENTITLED “CONSUMPTION IN PUBLIC” OF CHAPTER 84 ENTITLED “ALCOHOLIC BEVERAGES” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO INCLUDE AMONG THE EXCEPTIONS TO THE GENERAL PROHIBITION AGAINST THE SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES A FURTHER EXCEPTION FOR CERTAIN SPECIFIED FIRE DEPARTMENT FUNCTIONS CONDUCTED ONLY WITHIN THE “EXEMPT ROOM” OF THE NEW PUBLIC SAFETY BUILDING UNDER CERTAIN SPECIFIED TERMS AND CONDITIONS”** was introduced this date be and the same is hereby passed on first reading and the Borough Clerk be directed to advertise notice of public hearing on said Ordinance to be held at the regular meeting of the Borough Council on July 12, 2005.

On a motion by Councilman Meli, seconded by Councilman Kistner, and unanimously carried, the foregoing Ordinances on Introduction (except for Ordinance No. 2095) were approved.

ORDINANCE(S) ON PUBLIC HEARING:

Mayor Jones opened the public hearing on Ordinance No. 2091:

Andrew Heisey, 248 Division Avenue, was concerned with Section A3 of the ordinance which permits the reconstruction of a nonconforming structure that's destroyed intentionally or by accident provided that the foundation remains intact and usable. He felt this section would enable the owner or purchaser of a small house that has a setback encroachment to tear down the house and build a taller house on the foundation as well as extend the house outward to the other permitted setback. In his opinion this exacerbates the existing nonconformity and could impact the neighbor's access to light, air and open space, that if this is kept as a variance request, at least the planning board has the opportunity to evaluate the application and ensure that it does not harm the neighbor. He felt there was no need for this section.

Borough Attorney Chandless would consider Mr. Heisey's comments and should it require re-addressing will report back.

BE IT RESOLVED that an Ordinance entitled: **“AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF ARTICLE VIII ENTITLED “NONCONFORMING USES, STRUCTURES AND LOTS” OF CHAPTER 275**

ORDINANCE(S) ON PUBLIC HEARING (cont'd):

ENTITLED "ZONING" OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS" was continued on public hearing until approval was received from the Planning Board.

On a motion by Councilman Meli, seconded by Councilman Link, and unanimously carried, the foregoing Ordinance was continued on public hearing.

MISCELLANEOUS FROM PUBLIC:

Mayor Jones opened the meeting to the public.

Nancy Smith, 421 Washington Place, who has been a resident for 16 years. She was dismayed by the amount of new home construction and subdivisions, in particular more recently at Washington and Terrace Avenues, especially a third foundation. She felt the interest of the builders has taken precedence over the aesthetics and quality of life. She urged the council to act quickly.

Councilwoman Skiba questioned the setback on these homes. The borough attorney recommended that a request be made through the borough clerk or administrator to the construction official to measure the foundations as soon as possible and determine whether the required side yards exist. He understood that the lot fronting on Terrace was occupied by the garage and already a separate independent lot and did not have to be subject to the subdivision and that land use law exempts from site plan one and two family houses. Councilman Link questioned if the Fire Department had investigated if they were in compliance and again it was noted that was required through site plan, and as this was one family homes, was not required. Councilman DiPisa questioned if any of these homes were to be constructed with a cantilever, and the borough attorney said the current ordinance does not permit this. The foundation basically permits the perimeter of the structure.

Andrew Heisey, 248 Division Avenue, had looked at the architectural plans for these homes and it appeared to him that the roof line came 8.2 foot from the next property. This would be checked with the construction official.

Chip DeGaard, 9 Woodland Drive, thanked the governing body for their prompt attention to the sewer problem at Springfield Avenue and if there was a timetable. The borough attorney explained the easement over the sewer was off by one digit and a search was conducted. A resolution has been adopted for an agreement with the property owner to remove a tree on that property which could be destroyed with excavation. Authorization was given to the Superintendent of Public Works to acquire three quotes. When the agreement is received back, the project can go forward.

MISCELLANEOUS FROM PUBLIC (cont'd):

Chris Semencz, 415 Jefferson Avenue, had found out that the property at 420 Jefferson Avenue from him has a certificate of occupancy and he is in violation as he has been operating on the same building permit issued 20 years ago and the neighbor next door recently had a survey and the 420 Jefferson Avenue roof line is on his property.

There being no one else wishing to speak, the public portion was closed.

RECESS FOR SPECIAL WORK SESSION:

Mayor Jones announced that the meeting would be recessed for a Special Work to discuss the following report from the zoning committee:

Withdrawal of amendment re: Residential Side Yards at Mr. Melfi's Request

Mr. Melfi's suggestion re: Air conditioner location

Mayor's suggestion re: Floor Area Ratio Requirements

There being no further business to be conducted by the Mayor and Council, the public portion of the meeting was adjourned at 9:35 p.m.

I, ROSE MARIE SEES, Borough Clerk of the Borough of Hasbrouck Heights, do hereby certify that the foregoing Minutes are to the best of my knowledge a true account of the Regular Meeting held on June 28, 2005.

Rose Marie Sees, RMC
Borough Clerk