

NUTLEY ZONING BOARD OF ADJUSTMENT

February 13, 2012 Minutes – Public Session Meeting (Incomplete)

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CALL TO ORDER: A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. by Chairman Scudato. The Pledge of Allegiance was recited. The Sunshine Notice was read and the Roll was called.

PRESENT: Suzanne Brown, Serge Demerjian, Thomas DaCosta Lobo, Frank Graziano, Gary Marino, Mary Ryder, Paul Scudato, Chairman, Diana McGovern, Esq. Board Attorney

ABSENT: Ralph Pastore

EXCUSED: Thomas O'Brien

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No. 1 MEKA

Applicant: Kenneth Meka, 57 East Centre Street; 45 East Centre Street and 49-51 East Center Street Block/Lot/Zone: 9700/1, 2, and 3/B-4 and M-1

Application: preliminary/final site plan and variances to build at the above premises, a three-story structure having 17 one-bedroom dwellings, 23 two-bedroom dwelling units, 9,200 sq. ft. of commercial space, and consolidate by deed, lots 1, 2, and 3.

Appearances: Thomas DiBiasi, Esq. Thomas Sposato (Board of Education) sworn

The Chairman announced that this matter will be adjourned until March 7, 2012 when a special meeting will be held.

Mr. DiBiasi said he is representing the applicant and that they will be able to have their witness here on that night. He understands that there was a member of the Board of Education in the audience that had some issues regarding a letter that the Board just received this day at approximately 4 p.m. Ms. McGovern said the Board members have not been provided a copy of that letter.

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The Chairman continued with the attendance of applicants.

255 Centre Street will be continued at the next regular meeting.

The application for 688 Franklin Avenue and 155-159 Kingsland Street will be carried until the next regular meeting, March 19, 2012.

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The Meka application was continued at this time.

Tom Sposato, Vice President of the Nutley Board of Education, representative to the Planning and Zoning Boards was sworn. He said there was a miscommunication between the Zoning Board and his business administrator. Mr. Sposato has been the representative for the BOE for

the last two years with the Zoning Board of Adjustment and the Planning Board. He was not made aware of this application. The School Superintendent thought there was an issue here that should be addressed immediately and, without Mr. Sposato's knowledge, he sent a letter addressing the situation. He had a meeting with the superintendent today and is here now to recant the letter. Mr. Sposato will be here again on March 7, should this Board have any questions for him. The BOE understands that the Board has hired a planner to do a survey regarding any impact on the school system. The Chairman said that was true; they did have a planner review the application, but he doesn't know that the expert comments on that exclusively (he did). Mr. Sposato said that the BOE's position is if the Board hired a professional, the BOE will respect the professional's decision, his comments. There is no one on the BOE that has any experience, except himself, to know what the impact of a condominium complex can have on the school system. He asked if the Board had any specific questions, to please send them to him before the next meeting.

Mr. DiBiasi said that everyone was being courteous, because this was just dropped on the Chairman and counsel at 4:00. He wanted the Board and everyone to know that his client was prepared to go on this evening and as a result of this issue and the Superintendent of Schools asking that they adjourned this matter until it was fully aired, and his client consented to that. He thanked Ms. McGovern for getting the letter to him as quickly as she did.

Mr. DiBiasi said his applicant will waive all applicable time periods.

Mr. Demerjian asked who would be preparing the list of questions for the Board of Education. Ms. McGovern said that members could forward questions to her and she will get them to the BOE.

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No. 2

Applicant: Block/Lot/Zone
Application:
Appearances:
Exhibits:

No. 3

Applicant: Block/Lot/Zone
Application:
Appearances:
Exhibits:

No. 4

Applicant: Block/Lot/Zone
Application:
Appearances:
Exhibits:

No. 5

Applicant: Block/Lot/Zone

Application:

Appearances:

Exhibits:

No. 6

Applicant: Block/Lot/Zone

Application:

Appearances:

Exhibits:

No. 7

Applicant: Block/Lot/Zone

Application:

Appearances:

Exhibits:

No. 8

Applicant: Block/Lot/Zone

Application:

Appearances:

Exhibits: