

NUTLEY PLANNING BOARD
Public Hearing
Wednesday, March 5, 2008

PRESENT: P. McGovern – Chairman, C. Tangorra – Vice Chairperson, A. Eisenfelder – Secretary, M. Craine, L. Riccio, P. Ritacco, J. Viola, B. Kozyra, Esq.

EXCUSED: M. Arcuti, J. Greengrove, C. Cioban

The Notice of Public Meeting of the Nutley Planning Board was read by Chairman McGovern. The meeting was called to order by Mr. McGovern at 7:30 p.m. Mr. McGovern noted that Mr. Ritacco would sit for Mr. Greengrove.

The minutes of the February 6, 2008 meeting were circulated and approved.

BILLS AND COMMUNICATIONS:

Mr. Kozyra noted there was one invoice to be presented. Linda Posternock – attendance at and preparation of minutes for the February 6, 2008 meeting. The invoice was approved for payment.

OLD BUSINESS:

Mr. Darren DiBiasi, attorney for Louis Scerbo, asked for an adjournment of the scheduled application for a major subdivision of 21 Edgewood Avenue. Chairman McGovern recommended that the applicant renote if the Board moves to reschedule the application. The Board voted and the application was granted for April 2, 2008.

NEW BUSINESS:

Mr. Kozyra advised that the Township has been served with a lawsuit regarding the Clover Street application and, at this time, he has not spoken with any of the attorneys involved. A neighbor, Greg DePalma, has filed a lawsuit against the Planning Board and the applicant, Austin Park Development, seeking to set aside the action that was taken by the Board. Mr. DePalma is alleging procedural irregularities by the Board and suggesting that the Board acted outside the scope and ordinance in the Master Plan in approving the application that was heard. Mr. Kozyra noted he would have more to report at the next meeting and that he would be filing an answer accordingly in response to the lawsuit.

Mr. Kozyra advised that while the Township has not yet been served, he would be receiving a complaint with respect to the previous Tucci property, Passaic Avenue application. In speaking with the two attorneys, they indicated that they have had discussions about settling whatever their dispute was. Mr. Kozyra noted that he would advise the Board as soon as he had more details and copies of the pleadings. Mr. Kozyra explained that the merits of the litigations would be discussed in private sessions.

Mrs. Viola advised that there was a new Site Plan application for a manufacturing warehouse at 19 East Centre Street. The application was previously before the Zoning

Board but the attorney chose to revise the plans and submit to the Planning Board. Mrs. Viola noted that she would bring copies for everyone to review at the next meeting.

Mr. Kozyra stated that he wanted to address some of the Workshop Agenda issues and that Mrs. Viola prepared a leftover list from the last meeting. Several of the issues were discussed at length and would be continued at the next Workshop meeting, March 19.

COMMITTEE REPORTS:

There were no committee reports.

There was no further business before the Board and the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Linda Posternock

Linda Posternock
Recording Secretary