

NUTLEY PLANNING BOARD
Public Hearing
Wednesday, April 16, 2008

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

EXCUSED: L. Riccio

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 7:40 p.m. Mr. McGovern noted that Mr. Arcuti would sit for Mr. Riccio.

The last meeting of April 2 was adjourned due to the absence of a quorum. There were no minutes to be approved.

BILLS AND COMMUNICATIONS:

Mr. Kozyra noted there were several invoices to be presented:

Linda Posternock – attendance at and preparation of minutes for the March 19, 2008 meeting in the amount of \$150.00.

Paul and Regina Scutti, 252 Park Avenue – refund for an escrow account with respect to a major subdivision at 36 Weston Street in the amount of \$990.00.

Pennoni Associates – services in connection with the application at 19 East Centre Street in the amount of \$390.00.

Kasler Associates – services at 21 Edgewood Avenue. Application has not yet been heard but is being rescheduled. The previous invoice was withdrawn because it seemed high and there may have been an error in the billing. The invoice was revised to \$500.00.

Pennoni Associates – for additional engineering work that had to be done with respect to 65 River Road in the amount of \$133.25.

Pennoni Associates – engineering review and work by an engineer technician with respect to 21 Edgewood Avenue in the amount of \$555.00.

All invoices were voted on and approved for payment.

OLD BUSINESS:

Mr. Kozyra noted that there are 2 matters in litigation at this time, one of which was brought by Greg Palma with respect to the Clover Street application. We have filed an answer and are awaiting an initial court date. The second litigation, brought by Ms. DeFeo with respect to the 347-351 Passaic Avenue property, has been joined with another litigation involving the same property. An application from the Zoning Board may be consolidated with the application made by Mr. DiBiasi, counsel for Ms. DeFeo. It is not yet known if the court signed an order to consolidate but it will probably be done shortly. A schedule would then have to be received from the court with respect to that application. Mr. Kozyra noted that this was just a status report regarding the two matters and that any other discussion on the litigation of these matters would have to be done in executive

session. Chairman McGovern agreed to break for executive session after the pending application was heard.

NEW BUSINESS:

Mr. Thomas DiBiasi, counsel for the applicants of 19 East Centre Street, stated that he would introduce 3 witnesses to give testimony with respect to the proposed development. He stated that the 2 partners, both of Nutley, had purchased a residential home and plan to raise the home to construct a manufacturing operation. The 3 people working at the site would be the 2 owners and 1 technician, also of Nutley. Mr. DiBiasi advised that there would be no visitors to the site and all sales calls would be made off-site. After the component parts are put together, delivery would be made on a piece-by-piece basis, the largest being 6'x6'. Mr. DiBiasi stated that there would be no hazardous substances. He also said they would be centering the building and would need side yard variances.

Mr. DiBiasi was asked by Rory Moore to pass on to the Board that he will be representing Carmen Alessio's 83-year-old mother, a neighbor of the property. She wants to be assured that there would be no drainage problems. If the proposed development is approved, Mr. Moore requests that the applicant install and pay for a pipe on her property, subject to approval by the Board and Township engineer. The applicant agreed to the request.

Mr. DiBiasi called Mr. Alan Hunter, one of the owners of the purchased home, and he was sworn. Mr. Hunter testified that he would build new electro-control panels, measuring approximately 1'x1'x6". The parts would be assembled and delivered to their individual customers on a piece-by-piece basis. Mr. Hunter also stated that he planned to raise the building. The ground floor would be used for assembly and the upstairs for warehouse storage. Mr. Hunter said that the greatest noise generated would be that of a drill, and everything else would be screwed together or wired. The hours of operation would be 7:00 a.m. to 5:00 p.m., Monday through Friday. There were no plans for hours of operation on Saturdays, however in the future there may be. Mr. Hunter stated that there would never be hours of operation on Sundays. Mr. Hunter explained that parking would not be an issue since there would be only 3 employees. A UPS truck would possibly make a delivery twice a week. There would be no customers coming to the facility, nor would there be a walk-up. Mr. Hunter stated that vehicles would have to back out from the property, as most East Centre Street residents already have to do. Also, commercial sanitation would be used and waste pick-up would not be a problem.

Mr. DiBiasi called Mr. James Landon, Architect, Verona, NJ, and he was sworn. Mr. Landon had copies of the architectural plans and testified that the building would basically be constructed of concrete and steel with masonry block on the exterior and would be a neutral color with residential window effects. Both the first and second floors are approximately 2,300 square feet each for a total of 4,600 square feet. The building meets the lot coverage but needs side yard variances. Mr. Landon stated that the building would be within the proper zone with minimal traffic. Regarding drainage, Mr. Landon explained that there are retaining walls on both the east and west sides of the property and that drains were going to be put in the rear and hooked directly into the manhole in the front of the property. He also explained that the property slopes 2 to 2-1/2 feet from west to east

but all drainage would be handled by catch basins. Mr. Landon described the landscape design plan which would conform to the industrial/residential look.

Mr. DiBiasi called Mr. Paul Bauman, North Caldwell, NJ, and he was sworn. Mr. Bauman testified to the issues with respect to the hardship created by the land.

Chairman McGovern asked if there were any members of the public who had any questions or comments. There were none.

A motion was made by Mrs. Viola to approve the application. Mr. Greengrove seconded the motion. Mr. Kozyra noted that there were stipulations agreed to by Mr. DiBiasi and the applicants, all of which would become part of the resolution. The first stipulation is to limit the hours of operation to 7:00 a.m. to 5:00 p.m., Monday through Saturday. Secondly, private sanitation and a small pickup truck would be used instead of a full-sized garbage truck or dumpster. Third, Mr. DiBiasi, before he presented the application, indicated that adequate drainage would be provided for the property and would not affect the neighboring Alessio property. In addition, the testimony indicates that if the catch basin had to be relocated, the applicants would do so at their own expense. Mr. Kozyra noted that the engineer's report in this matter would have to be complied with, and that this would be a final resolution as opposed to a preliminary resolution.

The application was voted on and unanimously approved as follows:
9 -Yes, 0 - No, 0 - Abstentions (9-0-0).

COMMITTEE REPORTS:

There were no committee reports.

The Board adjourned to the conference room for an executive session at 8:30 p.m. and returned to the Chambers at 8:55 p.m.

There was no further business before the Board and the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Linda Posternock

Linda Posternock
Recording Secretary