

**NUTLEY PLANNING BOARD**  
**Public Hearing**  
**Wednesday, May 21, 2008**

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

**EXCUSED:** None

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.

The minutes of the May 7, 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 May 7, 2008 meeting in the amount of \$150.00. The invoice was approved for payment.

**OLD BUSINESS:**

Mr. Kozyra stated that 356 Franklin Avenue, the Bank of Nutley application, was now scheduled for June 4. Mr. Kozyra questioned whether or not it was necessary to have the Township Engineer prepare a report for this matter. The Bank was looking for the allowance of a drive-thru window. Mrs. Viola confirmed that it was just a drive-thru site plan.

With respect to the 21 Edgewood Avenue application, Mr. Kozyra noted that Mr. DiBiasi requested to appear in 2 weeks since he had been unable to schedule a meeting with his client, Mr. Scerbo, to discuss what they were going to do with the application. The last time they were here, Darren DiBiasi stated that new plans would be submitted to satisfy any potential problems from the Township Planner or the Township Engineer.

Mr. Kozyra had circulated a copy of the Court's Case Management Order to the Board members with respect to the Palma v. Austin Park Development matter. Mr. Kozyra stated that the matter would probably not be concluded this calendar year nor would any intended construction on Clover Street start until sometime next year. Mr. Kozyra noted that the legal issues that were briefly discussed had to do with whether or not the Board could reopen the record after voting on it. The second issue was whether or not to allow the presentation of the proposed design drawings if the record was to be reopened. The relevant CD's and/or transcripts will be provided.

## **NEW BUSINESS:**

Mr. McGovern moved that Mr. Kozyra continue as Counsel to the Planning Board effective May 21, 2008 through December 31, 2008. The motion was seconded. The vote was unanimous (10-0-0). Mr. Kozyra thanked the Board for his reappointment and was sworn in by Mr. McGovern.

Mr. Kozyra noted there was a new application for a major subdivision of the property at 308 Passaic Avenue. According to Mrs. Viola, the application has not yet been completed but should be by the next meeting. Mr. Kozyra suggested the application be heard at the July meeting.

Mr. Kozyra stated that the last item on the agenda was the Master Plan components that need to be reworked. Mr. Kozyra suggested that the Board first identify which elements of the Master Plan need to be reviewed and then prepare a schedule to look at each one. Mr. Kozyra recommended that this be done well in advance of the renewal date for the Master Plan. Discussion of the Master Plan continued.

Ms. Tangorra proposed that in the future, the meetings start at 7:00 p.m. instead of 7:30 p.m. Mr. Kozyra explained that he would have to notify the Clerk and re-notice for the new time. Also, it would have to be voted on to make an amendment to the by-laws. A motion was made and seconded to change the meeting time to 7:00 p.m. The vote was unanimous (10-0-0).

Mr. McGovern suggested there be an open invitation to the Commissioners to attend Planning Board meetings. Mr. Kozyra agreed that it was important to have a Commissioner present and that he would contact the Mayor on behalf of the Board, to possibly arrange to have a Commissioner attend the meetings. Mrs. Viola suggested that we send copies of our meeting minutes to all of the Commissioners.

## **COMMITTEE REPORTS:**

There were no committee reports.

There was no further business before the Board and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

*Linda Posternock*

Linda Posternock  
Recording Secretary