

NUTLEY PLANNING BOARD

Public Hearing

Wednesday, June 4, 2008

PRESENT: P. McGovern – Chairman (late), C. Tangorra – Vice Chairperson, A. Eisenfelder – Secretary, M. Arcuti, C. Cioban (late), 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 Vice Chairperson Tangorra. The meeting was called to order by Ms. Tangorra at 7:05 p.m. Ms. Tangorra asked that Mr. Arcuti sit for Mr. Riccio and Mr. Ritacco sit for Mr. McGovern who came late.

The minutes of the May 21, 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 21, 2008 meeting in the amount of \$150.00. The invoice was approved for payment.

OLD BUSINESS:

Mr. Thomas DiBiasi stated that his firm would be withdrawing from the 21 Edgewood Avenue application and that from this moment forward they would no longer be representing Mr. Louis Scerbo in the matter. They advised their former client to seek new counsel and recommended that the Board dismiss the application without prejudice. Mr. Kozyra noted that if the Board did dismiss the application without prejudice, Mr. Scerbo could re-file the application or file a new application, with or without new counsel, as soon as he decides how he wants to proceed. A motion was made to dismiss the application without prejudice and to notify Mr. Scerbo. The motion was seconded. The vote was unanimous (7-0-0). Mr. McGovern and Mrs. Cioban were not in attendance yet, therefore they did not participate in the vote. Mr. Kozyra stated that he would issue a letter to Mr. Scerbo, with a copy to Mr. DiBiasi, indicating the Board's actions regarding the application.

With respect to the Bank of Nutley application, Mr. DiBiasi introduced Jim Piro, Dan Geltrude, and Sal Cocco, members of the Bank of Nutley's Executive Board. Mr. DiBiasi called his first witness, Mr. Bruce Meisel, and he was sworn. Mr. Meisel is the Chairman and Chief Executive Officer of Pascack Community Bank. The Bank of Nutley is a division of the Pascack Community Bank but would still be called "The Bank of Nutley". Mr. Meisel explained the need for a drive-thru for a bank to be successful. He stated that the drive-thru would be consistent with the look of the building, which was being restored, not renovated. Mr. Meisel mentioned that they would like to have the new bank open by August 1, 2008.

Mr. DiBiasi called his second witness, Mr. Vincent Cioffi, and he was sworn. Mr. Cioffi, the architect for the project, showed front elevation drawings of the building with the drive-thru and explained the work that would be done. Mr. Todd Hay had some questions about the rendering.

Mr. DiBiasi called his third witness, Mr. Jeffrey Morris, and he was sworn. Mr. Morris, the engineer for the project, spoke about the recommendations that were addressed. The major concern was the cars that would exit the parking lot onto Chestnut Street and the safety issues involved. The other issue was the type of lighting that would be used on the building.

Mr. DiBiasi called his fourth and final witness, Mr. Michael Maris, and he was sworn. Mr. Maris, traffic expert for the project, stated that he was retained to conduct a traffic analysis and report. With respect to the driveways, Mr. Maris noted that the drive-thru driveway would permit only right turns out. The parking lot driveway would permit left and right turns in but only right turns out. The driveway to Chestnut Street would be one-way out and would permit left turns and right turns. It was suggested that a stop sign, a "children crossing" sign, a concave mirror, and a speed hump be included at the Chestnut Street driveway.

A motion was made to approve the application. Mr. Kozyra noted that it would include stipulations and conditions provided by the applicant and agreed to, with respect to all of the issues mentioned. The motion was seconded. The vote was taken and the application was approved (8-0-1). Mr. McGovern abstained since he arrived late and missed most of the testimony.

Mr. Kozyra noted that the Board was in the process of reviewing and re-examining the Master Plan and asked the Board if there were any elements, in their opinion, that did not need to be reviewed. Two items that were already addressed were Stormwater and Housing. Mr. Kozyra asked the Board for their comments on the rest of the elements to determine which ones would need a planner, engineer, etc. The Board would then be able to address the other elements without the input of the experts. Other issues of the Master Plan were considered and discussed with Mr. Hay.

NEW BUSINESS:

With respect to the property at 308 Passaic Avenue, Mr. Kozyra asked Mr. DiBiasi to comment on the application. The main thing the Board usually determines at this time is whether or not they want to have expert reports and in what areas. Mr. DiBiasi stated that the proposed 12 units approved by the Board of Adjustment, was appealed to the court system and during that time a new buyer purchased the property. Mr. DiBiasi recommended that his new client abandon the appeal and instead, pursue 2 one-family homes that would comply with the zoning ordinance. The client agreed to build the 2 single-family homes with a footprint and a turnaround. The application for the major subdivision was set for July 2.

Mr. DiBiasi advised the Board that there was a new deal in the works with respect to the Ciccolini property. The developer (Palmieri family) is interested in doing a

mixed use on that property. Mr. DiBiasi asked the Board to consider a date for a conceptual review to discuss an overlay zone. Mr. Kozyra stated that the best way to approach it would be to get Mr. DiBiasi's client's proposal, present it to Mr. Kasler for review, and then have the concept hearing with him present.

COMMITTEE REPORTS:

There were no committee reports.

There was no further business before the Board and the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Linda Posternock

Linda Posternock
Recording Secretary