

NUTLEY PLANNING BOARD
Public Hearing
Wednesday, August 6, 2008

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

EXCUSED: J. Greengrove

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 7:05 p.m.

There were no minutes from previous meetings for approval.

BILLS AND COMMUNICATIONS:

There were no bills or communications.

OLD BUSINESS:

Mr. Kozyra noted that the 308 Passaic Avenue application has been rescheduled for September 3, 2008 and Mr. DiBiasi had been notified and said he would send out the required notice.

Mr. Kozyra stated that with respect to the Palma litigation, he has received a brief that was filed by Mr. Palma's counsel on the application and would get a copy to the Board members. The next brief would be filed by Mr. Gizzo on behalf of the applicant.

Mr. Kozyra advised that there were 7 potential planners that have responded to the RFQ for a planner for the Master Plan. He recommended that a subcommittee of the Board be established to go through those proposals and select 3 or 4 of the applicants for the eventual interviews by the entire Board. Mr. Riccio, Mrs. Cioban, and Mr. McGovern volunteered for the subcommittee.

Mr. Kozyra noted that the Board should have received some proposed height ordinance changes that were prepared by the engineer. He suggested that the Board start to look them over for purposes of discussion as well as to consider the issue of restaurant parking. Mr. Kozyra has received through the Commissioners a number of requests asking that the Planning Board look at the Franklin Avenue parking situation since there are a number of restaurants that want to open in the area. Mr. Kozyra noted that there were additional businesses that were looking to come into the town but parking was a constant issue. He indicated to the Mayor that this issue could possibly be discussed at the September 17 workshop meeting.

Mr. Riccio advised that the same problem exists in numerous other communities and that some of them are addressing it by proposing facilities such as parking decks. Mr.

Riccio suggested that we investigate other possibilities while we were reviewing the Master Plan.

The Board member discussed aspects of having a light rail or train service in Nutley.

Mr. Kozyra noted that a Commissioner will soon be a member of the Planning Board and that a town member will also be selected. They both will possibly be sworn in at the next meeting.

Mr. Kozyra explained that there would be a 5-minute recess since the public was noticed for 7:30 by the applicant instead of the new time of 7:00.

NEW BUSINESS:

Chairman McGovern asked that the record reflect that Mr. Ritacco was now in attendance.

Ms. Tangorra, Mrs. Cioban, and Mrs. Craine asked that the record reflect that they were voluntarily recusing themselves from the 21 Edgewood Avenue application.

Mr. Louis Scerbo, 21 Edgewood Avenue, was sworn. Mr. Kozyra noted that Mr. Scerbo did provide proof of publication and an affidavit of service with respect to the hearing, each of which will become part of the record in this matter. Mr. Scerbo started by saying that the final drawings by George Anderson show that they were within the guidelines for a subdivision and would allow both lots to be conforming lots. Mr. Scerbo presented a picture, marked for the record as Exhibit A-1, of a proposed home that he would like to build on the property. He had another picture, marked for the record as Exhibit A-2, of the current lot with a 3-car garage on it. Mr. Scerbo presented a picture, marked for the record as Exhibit A-3, of the proposed home he would like to build if granted the 71-foot front. The home does not have a garage but one would be incorporated into the left side of the home. Mr. Kozyra asked if he had drawings of the home but he just had the photo.

Chairman McGovern asked if there were any questions from the Board members. Mrs. Eisenfelder asked if the garage would be attached to where there was a porch on the left-hand side. Mr. Scerbo stated that the garage would be attached to the house after the porch ended. Mrs. Eisenfelder also asked about the irregular lot size.

Mr. Arcuti asked questions about the setback and the possible need for a variance. Mr. Scerbo stated that he was not asking for any variances.

Mr. Ritacco had no questions.

Mr. Riccio's questions were inaudible.

Mrs. Eisenfelder asked about where cars will be parked and if the garages were going to be torn down. Mr. Scerbo presented architectural plans that were marked for the record as Exhibit A-4. Mrs. Eisenfelder asked what the height of the proposed home would be. Mr. Scerbo stated that it would be under 30 feet.

Mr. Scerbo called Mr. George Anderson, Architect, Little Falls, NJ, and he was sworn. Mr. Anderson testified that the resubmitted plans reflect revisions that were made so that variances would not be necessary.

Chairman McGovern asked if there were any members of the public who had questions with respect to the application.

Mr. Michael Cioban, 1 Edgewood Avenue, questioned Mr. Scerbo about his house being 2-1/2 story home as opposed to a 3-story home. Mr. Cioban also asked about the garage currently on the property. Mr. Scerbo said he would demolish the house if he had to. Mr. Cioban's other questions were about setbacks and dimensions.

Mr. James Quinn, 11 Irving Place, stated that he has a problem with water coming over a wall when it rains and wondered how it would be addressed. Mr. Scerbo said that the drainage would be even better with the new home. Mr. Quinn had a picture of a storm water runoff on his property.

Mrs. Eisenfelder asked Mr. Scerbo if he knew the history of the creation of the 70-foot lots. Mr. Scerbo replied that he thought it was to preserve lot sizes and that his application complies with the codes. Mrs. Eisenfelder also inquired about the number of streets that would have to be taken down.

Mr. Riccio had questions about the corner of the house setback, whether or not the sidewalk going to the patio is over the property line, and whether or not the covered porch infringes on the eave of the side yard.

Mr. Ritacco noted that there should be enough room to make an adjustment on the eave.

Chairman McGovern noted that the questioning of the applicant was closed since there were no other questions and asked if there were any members of the public who wanted to make a comment on the application.

Mr. Louis Dagnolo, 8 Irving Place was sworn. Mr. Dagnolo wanted to know if trees in the horseshoe driveway were going to be cut down. He was concerned that water would come down the street onto his property.

Mr. James Quinn, 11 Irving Place, was sworn. Mr. Quinn was concerned that the new house would take away from the neighborhood.

Mr. Michael Cioban, 1 Edgewood Avenue, was sworn as a professional in the field of architecture. Mr. Cioban was concerned about a non-conforming width of the lot. He also felt that the application was in conflict with the Land Use Ordinance. Mr. Cioban had a sketch that was marked for the record as Exhibit O-1. He explained the issues to the Board. Mr. Scerbo had no questions for Mr. Cioban.

Mr. Scerbo said in his closing statement that he will do whatever he has to do to build the house. He asked the Board to be fair in it's judgment and to grant his application.

Chairman McGovern closed the record for testimony in the public portion and opened the matter to discussion amongst the Board members.

Mrs. Eisenfelder still had issues with the application. Mr. Arcuti agreed with Mrs. Eisenfelder on the ordinances and was still concerned with the inside corner set back. Mr. Riccio agreed and noted that the ordinance should be revisited. Mr. Ritacco agreed with the comments made by the other Board members. Chairman McGovern was wondering why Mr. Kasler's report was so different from the testimony that was heard. Mr. McGovern was also concerned with the subdivision ordinance with respect to lots.

Mr. McGovern stated that there was a lack of sufficient information to make a decision tonight. The other Board members agreed.

Mr. Kozyra informed Mr. Scerbo that he could waive the time constraints so the Board can seek further information or he could have the Board vote tonight.

Mr. Scerbo agreed to wait until the September 3 or September 17 meeting for a vote from the Board and to waive the time constraints under the statute.

COMMITTEE REPORTS:

There were no committee reports.

There was no further business before the Board and the meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Linda Posternock

Linda Posternock
Recording Secretary