

**NUTLEY PLANNING BOARD**  
**Public Hearing**  
**Wednesday, September 17, 2008**

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

**EXCUSED:** M. Arcuti, C. Cioban, L. Riccio, P. Ritacco

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.

The minutes of the September 3 meeting were circulated. Mr. Greengrove questioned if the Board was allowed to vote on the minutes since a part of it was inaudible. Mr. Kozyra said it could be done unless someone had information to supplement the record. Mr. Kozyra added that the approval could be deferred until there was an opportunity to review their notes and add to the record and that it was up to the Board members. A motion was made, seconded, and the minutes were approved.

**BILLS AND COMMUNICATIONS:**

Communications were inaudible. Either the microphones were not on or they were not spoken into.

Mr. Kozyra presented an invoice:

**Linda Posternock** – attendance at and preparation of minutes for the September 3, 2008 meeting in the amount of \$150.00. The invoice was approved for payment

**OLD BUSINESS:**

Inaudible. Either the microphones were not on or they were not spoken into. Mr. Kozyra was the only one whose comments could be heard from time to time.

On the agenda under Old Business was the adjournment of 21 Edgewood Avenue to be continued on October 1, 2008.

Also on the agenda was a discussion on proposed height ordinance changes and restaurant parking as well as further discussion and review of the residential parking ordinance.

The Board members adjourned to the conference room at 8:14 p.m. to interview a candidate for Master Planner. The Board members returned to the Chambers at 8:59 p.m.

## **NEW BUSINESS:**

Mr. Kozyra noted that he got a call on the Passaic Avenue matter from Gary Gordon who represents the plaintiff in that case, the Defeo's. Mr. Gordon said that the Court called him to say there was supposed to be a conference this past Monday, which nobody was told about and that maybe the matter should be dismissed. Mr. Kozyra stated that Mr. Gordon was supposed to set up a conference with Court, Mr. DiBiasi, Mr. Kozyra, Mrs. McGovern sometime in October. In last discussions with Mr. DiBiasi, they thought there was a buyer for the property that was going to develop it and that would take care of the whole issue. Also, there is an issue with the oil tank, which may prevent or slow down the purchase. Mr. Kozyra noted that they should move the case along or dismiss it.

Mr. Kozyra stated that with regard to the Palma matter, briefs have been filed by Mr. Palma's attorney and by Mr. Gizzo. Mr Kozyra noted that our brief would be filed in the next two weeks and it is scheduled for argument in late October. Mr. Kozyra said that the issues were fairly clear and it is his opinion that the Board acted properly with respect to the voting and should be ruled in the Town's favor.

## **COMMITTEE REPORTS:**

There were no committee reports.

There was no further business before the Board and the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

*Linda Posternock*

Linda Posternock  
Recording Secretary