

**NUTLEY PLANNING BOARD**  
**Public Hearing**  
**Wednesday, October 15, 2008**

**PRESENT:** A. Eisenfelder – Secretary, M. Arcuti, M. Craine, P. Ritacco,  
Dr. Scarpelli – Commissioner, B. Kozyra, Esq.

**EXCUSED:** P. McGovern – Chairman, C. Tangorra – Vice Chairperson, C. Cioban,  
J. Greengrove, L. Riccio

The Notice of Public Meeting of the Nutley Planning Board was read by Secretary Eisenfelder. The meeting was called to order by Mrs. Eisenfelder at 7:09 p.m. Mrs. Eisenfelder noted that Mr. Arcuti would sit for Ms. Tangorra and Mr. Ritacco would sit for Mr. McGovern.

The minutes of the September 17, 2008 and October 1, 2008 meetings were circulated and approved. Dr. Scarpelli abstained since he was not in attendance for the two meetings.

**BILLS AND COMMUNICATIONS:**

Mr. Kozyra noted there were invoices to be presented for payment:

**Linda Posternock** – attendance at and preparation of minutes for the September 17, 2008 meeting in the amount of \$150.00.

**Linda Posternock** – attendance at and preparation of minutes for the October 1, 2008 meeting in the amount of \$150.00.

**Kasler Associates** – for services with respect to the 21 Edgewood Avenue application for review of revised application that was submitted, and preparation of a report to the Board after review of the Land Use ordinances in the amount of \$225.00.

**Pennoni Associates** – for services to review the 308 Passaic Avenue application in the amount of \$150.00.

**Pennoni Associates** – for services through September 21, 2008 regarding the 21 Edgewood Avenue application. Mr. Kozyra noted that he was going to ask them to review, revise, and resubmit the bill due to an apparent discrepancy in the breakdown of the hours.

With the exception of the Pennoni Associates second bill, all invoices were approved for payment.

**OLD BUSINESS:**

Mr. Kozyra stated that he was waiting for and has not yet received a reply with respect to the DePalma litigation. The argument was originally supposed to be the last week of October and Mr. Kozyra should have a report for the Board at the next meeting.

Mr. Kozyra noted that the Defeo litigation was still pending and that he was recently advised that it may be close to resolution.

## **NEW BUSINESS:**

Mr. Kozyra advised the Board that there would be a quorum for the 21 Edgewood Avenue meeting on November 5, 2008 and that he had five members who have committed to attend.

Mr. Kozyra introduced Mr. Denis Williams from Nutley High School. Mr. Williams spoke about his AP Geography class and said that on last year's AP Exam, one of the major questions was "how do societies plan their cities?" Mr. Williams went on to say that his students are very interested in Historic Preservation, incorporating green technologies into the town's infrastructure, and of course the parking issues. Also, the students would like to serve as an advisory committee in a research capacity.

Mr. Kozyra asked the Board if they wanted to have a discussion on the Planner interviews and make a recommendation to select one of them at this meeting or save it for another meeting. Mr. Kozyra explained to Dr. Scarpelli that the Board interviewed three Planners and was given estimates of what a new Master Plan would cost and the time frame to do it in. Mr. Kozyra noted that we would probably wind up with a 2-stage procedure. One would be to do the re-examination, much of which would be reused in a new Master Plan, and two, to adopt a new Master Plan that would be more comprehensive and somewhat more expensive.

Mrs. Eisenfelder noted that the feel of the community was that they want a new Master Plan. This was evident at the July 30 meeting where a large number of members of the public were present.

Dr. Scarpelli said that in his opinion, most of the Commissioners would like to see a complete overhaul, a comprehensive Master Plan, and if to comply with the laws meant that we would have to do a re-examination first and then do a comprehensive Plan, he would poll the Board members but doesn't foresee it being a problem. Dr. Scarpelli asked for a brief overview of the questions that were asked of the Planner applicants and how they responded. The Board members and Mr. Kozyra spoke about some of the questions and answers that were brought up during each of the interviews.

Mr. Kozyra suggested that the recommendation of the new Planner be postponed until the November 5 meeting.

Mr. Kozyra noted that at some time he would like to address the issue of cell towers. He said that he was contacted by Mrs. McGovern of the Zoning Board, who stated that it has been a recent but repeated issue before that Board. Our ordinance, as it presently deals with cell towers, suggests that it may not be constitutional or that it may violate certain laws. Mr. Kozyra suggested that the Board take a closer look at it and possibly change the ordinance. Mrs. Eisenfelder recommended that we look at other towns' ordinances to see how they are handling the situation.

Mr. Kozyra stated that he would get some more information and present it to the Board for consideration at another meeting.

**COMMITTEE REPORTS:**

None.

There was no further business before the Board and the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

*Linda Posternock*

Linda Posternock  
Recording Secretary