

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
JANUARY 23, 2013

Members present: Michael Wilday, James Riehl, Thomas Kelly, Francis Mulvey, Peggy Scarillo, Bette Leibowitz, Darcy McCabe-Brew, Robert Paulukiewicz, Mayor Henry

Members absent: Frank Milatta, Richard Moran, Councilwoman Dato

Also present: Angelo Valetutto, P.P., P.E.; Andrew Brewer, Esq.

Meeting was called to order by Chairman Wilday followed by the salute to the Flag.

Chairman Wilday stated adequate notice of this meeting has been provided under "The Open Public Meeting Act of New Jersey" by advertisement.

Roll call was taken at this time.

Motion by James Riehl, seconded by Francis Mulvey to accept the Minutes from the November 28, 2012 and December 18, 2012 meetings. Mr. Valetutto commented that on the December 18, 2012 Minutes his attendance was inadvertently omitted. It will be added. Motion for the November 28, 2012 carried 6-0, 3 abstentions and motion for December 18, 2012 carried 7-0, 2 abstentions.

COMPLETENESS COMMITTEE

Vice Chairperson Peggy Scarillo stated there are two applications before the Committee. Both applications are deemed completed, that being application #330-13 and #331-13.

Mr. Valetutto stated in his reports there was monies that were outstanding, but in both cases the applicants have paid the outstanding fees that were required. The only obligation for both applicants to appear before the Board at the February 27th meeting would be to have a proper notice served and a court stenographer present at the hearing. Motion by Peggy Scarillo, seconded by Michael Wilday, motion carried 2-0.

Resolution for 234 First Street

Mr. Brewer stated 234 First Street appeared before the Board last March through May. It was an old building previously used for industrial purposes and they sought a use variance to use as an apartment building along with a density variance. After two meetings the Board denied the application, the applicant has filed a suit in Superior Court to challenge the denial. The Judge has directed that the Board prepare a more detailed finding of fact for the basis of their denial. Mr. Brewer stated they reviewed the transcripts provided to Board members, spoke with individual members about their specific recollection and views on the specific reasons for the denial and prepared what they believe is a more detailed finding of facts. Mr. Brewer stated the Judge knows that today is the meeting and that we will provide a supplemental resolution to him by January 28th. Mr. Brewer stated if the Board has any additions, changes or provisions they can be made now. If there are none, the Board can vote on the resolution.

Mr. Riehl stated Mr. Brewer did an outstanding job, he hit on all the goals that he had brought up to him as well as Mr. Moran's goals and expanded upon the areas that the two Board members had missed. Mr. Riehl stated this resolution fits the bill of what we need and it also shows how the Board has to perform their diligence when they reject such applications to show that the Board does not want what is being proposed and the explanation as to why.

Chairman Wilday stated he would like to thank Mr. Riehl and Mr. Moran for scrutinizing the transcript so we could get a proper resolution. Mr. Brewer stated he completely agrees with Chairman Wilday.

Mr. Kelly stated in Letter "F" it states no multi-family apartment in this neighborhood, Mr. Kelly stated that is an inaccurate statement, there are two- and a coupled three-family units. Mr. Valetutto stated perhaps the comment should be no multi-family units greater than a three-family. The consensus of the Board is to remove the portion.

Chairman Wilday asked for a vote based on the comments of the Counselor and changes brought up by Mr. Kelly.

Motion by James Riehl, seconded by Peggy Scarillo to approve the resolution as written with the specific changes as noted. Motion carried 6-0, 3 abstention.

Chairman Wilday stated for the record he did not open to the public on this issue, but there is no public present on this issue other than Mayor Henry.

Chairman Wilday opened the meeting to the public on all other issues. Motion by Peggy Scarillo, seconded by James Riehl. Motion carried 9-0.

Motion by Peggy Scarillo, seconded by Bette Leibowitz to adjourn. All in favor.

Linda Garnett