

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
JUNE 26, 2013

Members present: Michael Wilday, Thomas Kelly, Richard Moran, Francis Mulvey,
Darcy McCabe-Brew

Members absent: James Riehl, Mayor Fred A. Henry, Councilwoman Christine Noble,
Frank Milatta, Peggy Scarillo, Robert Paulukiewicz

Also present: Jason Valetutto, P.P.; Joseph Maraziti, 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 Richard Moran, seconded by Thomas Kelly to accept the Minutes of the previous meeting. Motion carried 5-0.

Completeness Committee

There are no new applications before the Completeness Committee.

Resolution – Lillian Applegate Application

Frank Brennan, Esq. for the applicant asked that the conditions listed in item 9 and 10 of the resolution be struck from the resolution because they are vague. Mr. Brennan stated the transcripts are available to rely upon, if necessary.

Mr. Maraziti stated he advises in abundant of caution, the Board should leave items # 9 and 10 in the resolution. Because there were three lengthy meetings, something could have been missed. We need to make sure the resolution covers all representations. It is his recommendation that the items remain in the resolution.

Mr. Brennan rebutted that, if necessary that information could be gathered from the record very easily.

Motion by Richard Moran, seconded by Francis Mulvey to approve the resolution as written with items #9 and 10 included. Motion carried 5-0.

Application – Joseph R. Fusco Application #335-13

Mr. Maraziti explained to the applicant that the laws are very clear that everyone must be noticed within 200 feet of the subject property. It can be done by sending certified mail with return receipt request, allowing us to look at the receipts to confirm that everyone has received it.

In this case, the property owners were served by hand delivery which is allowed but in this case it appears that not all have been served. Mr. Maraziti stated it is his opinion that we do not have jurisdiction to hear this tonight because of the discrepancies.

Mr. Maraziti stated the way to handle it when someone is deceased or unavailable, you should send the certified letter so there is evidence that the attempt was made. With the current deficiency, any action by the Board would be invalid. We would need jurisdiction. If the notices are done correctly, it would be scheduled for the next meeting.

Application – Enterprise Electric Inc. – Application #334-13

(see attached transcript)

Chairman Wilday opened the meeting to the public. There was no public present. Motion by Richard Moran, seconded by Thomas Kelly to close the public portion of the meeting. Motion carried 5-0.

Motion by Thomas Kelly, seconded by Darcy McCabe-Brew to adjourn the meeting. All in favor.

Linda Garnett