

Borough of West Paterson

Planning Board



Passaic County, NJ

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PLANNING BOARD MINUTES

January 11, 2010

Meeting called to order at 7:33 P.M. by Mayor Lepore.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS PRESENT: TOM WEBB, COUNCILMAN DI DOMENICO, DORA DAVENPORT, RICHARD BERNSTEIN, J. ROBERT KASSAI, CARLO RENNE, KEITH TANSKI, MAYOR LEPORE, GARY HOLLOWAY, SHERRY VAN DYK, BILL KARP AND TONY RANDAZZO

ALSO PRESENT – JOSEPH WENZEL, BOARD ATTORNEY
DONALD NORBUT, BOARD ENGINEER
KATHRYN GREGORY, BOARD PLANNER

FLAG SALUTE

REORGANIZATION

Mayor Lepore welcomed Mr. Tanski and thanked him for serving on the Board.

Mr. Webb made a motion to appoint Joseph Wenzel, second by Councilman DiDomenico, all in favor, motion carried.

Mr. Webb made a motion to appoint Donald Norbut of T & M Associates as Board Engineer, second by Mr. Bernstein, all in favor, motion carried.

Mr. Webb made a motion to appoint Kathryn Gregory of Gregory Associates as Board Planner, second by Mr. Karp, all in favor, motion carried.

Mr. Karp made a motion to appoint Tom Webb as Planning Board Chairman, second by Mr. Renne, all in favor, motion carried.

filed and it was scheduled for early December but the Judge postponed it. They are hoping to have a date on oral argument by the early part of February. They have relied on 3 facts for the appeal in order to expedite the matter. They need to ask for an extension again which would be the second one year extension. They will have to make a decision whether or not they will need another extension or if one is even necessary under the permit extension act.

Mayor Lepore stated for the Board's information he has spoken to the Borough Attorney on this issue and it is his understanding that legislation was recently passed that would prohibit anybody to deny an application for an extension.

Mr. Albert Buglione, Borough Attorney, stated the legislation does provide they are entitled to an extension of their application in light of the fact the project has been held up by the acts of another municipality. The lot is unique and the City of Clifton has had many hearings and there was an act of denial and it is now in litigation. The applicant is not in any violation of his obligations.

Mr. Bernstein asked if there was anything in the statute that limits the number of extensions the applicant can get.

Mr. Buglione said they can make another application or in the alternative they could amend the complaint to the court if the time line is right.

Mr. Wenzel said as he has read the statute it limits the extension to only one year each time. Under the circumstances where there has been a delay in the proceedings by an adjacent municipality and are outside the applicant's own power the time should be extended. There is nothing in the statute that suggests you cannot do multiple extensions for one year.

Mr. Pitman said the last extension expires on February 16, 2010. If the Board extends for an additional year they would ask that it runs from February 16, 2010. There is a statute on the books called the permit extension act and without getting into a legal debate because of the nature of what occurred to the economy the statute extends approvals so the people would not lose their rights because of the down turn in the economy. Mr. Pitman said his client is present to answer any questions the Board may have.

Chairman Webb asked if the request would go beyond a year by going to February. Mr. Wenzel said you would do it from the point where the prior extension has ended and cannot extend past that date. Chairman Webb noted the Board Secretary has pointed out the resolution from last year states a one year period to 1/12/10. He felt that would be the date they are talking about.

Mr. Pitman said that resolution should have read 2/16/10 because the original approval was 2/16/06. He does not know if he has seen that resolution and felt it was in error. They came in one month early for the extension. They will note their calendar accordingly and not quibble over a month. The original approval was good for 3 years.