

OK Approved  
SAL 1/33/19

**TOWNSHIP OF NUTLEY  
PLANNING BOARD MEETING MINUTES  
Wednesday, January 9, 2019**

A meeting of the Planning Board of the Township of Nutley was held on the third floor of the Township of Nutley Municipal Building, One Kennedy Drive, Commission Chambers. Adequate notification was published in the official newspapers of the Herald News, the Star Ledger and the Nutley Sun on December 13, 2018.

**Roll Call**

Ms. Castro – Present  
Mr. Malfitano – Present  
Mr. Contella – Present  
Mr. Kirk – Excused  
Mr. Greengrove – Present  
Ms. Kucinski – Present  
Mr. Algieri – Excused  
Mr. Del Tufo – Present  
Mr. Arcuti - Present  
Ms. Tangorra – Present  
Mr. Kozyra – Present  
Commissioner Evans – Present  
Mayor Scarpelli – Present

Prior to the commencement of the Meeting Ms. Tangorra and Mr. Kozyra swore in Ms. Santasieri, Mr. Kozyra, Mr. Greengrove, Mr. Malfitano and Commissioner Evans to positions on the Board.

**Meeting Minutes**

The Meeting Minutes for December 19, 2018 were accepted by the Board.

**Communications/Bills**

An invoice for Gail Santasieri in the amount of \$150 for her attendance at and preparation of the December 19, 2018 Meeting Minutes was approved by the Board.

An invoice for reimbursement of escrow funds for the application on 145 Franklin Avenue for \$3,750 was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services rendered through November 25, 2018 for the Roche Redevelopment site in the amount of \$170 was approved by the Board.

The proceedings in this matter were voice recorded. The recital of facts in the Minutes is not intended to be all-inclusive but is a summary and highlight of the complete record made before the Planning Board.

An invoice for Pennoni Associates, Inc. for professional services rendered through November 25, 2018 for attendance at Board Meetings as to the Roche Redevelopment site plan and storm water reviews in the amount of \$3,120.50 was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services rendered for the Roche Redevelopment Phase II Construction Administration in the amount of \$1,264 was approved by the Board.

## **Old Business**

### **293 Prospect Street Subdivision**

Mr. Kozyra stated that the Resolution for the 293 Prospect Street subdivision, which was heard at the last Meeting, was to be voted on and circulated for signatures.

Board Roll Call – Upon a vote of the Board there was an unanimous approval of the subdivision application.

Ms. Castro – Yes  
Mr. Malfitano – Yes  
Mr. Contella – Yes  
Mr. Kirk – Absent  
Mr. Greengrove – Yes  
Ms. Kucinski – Abstained  
Mr. Algieri – Absent  
Mr. Del Tufo – Yes  
Mr. Arcuti – Yes  
Ms. Tangorra – Yes  
Commissioner Evans – Abstained  
Mayor Scarpelli - Abstained

### **237 Centre Street – Relief of Stipulation Scheduling**

This property was redeveloped for a mixed use – commercial on the first floor; apartments on the second floor. The owner, Dr. Marco Tartaglia, lives in the apartments. This Applicant is returning to the Board regarding garbage collection inside the building (it is not clear if the application affects approved parking). Garbage collection was to be inside the basement. The Board is asked to set a date to be heard. With the publishing notice deadlines, it would need to be heard at the earliest at the February 6<sup>th</sup> meeting. Mr. Kozyra is not sure if the Board needs any reports. Mr. Kozyra also needs to know who the Board wants to testify.

The new location for garbage placement was a mutual question by Board members. The new plans did not show old and new locations for the refuse collection. It was decided that new drawings were needed. Mr. Kozyra said he will speak with Mr. DiBiasi regarding the new plans and questions as to the parking issue. The Board agreed that a comparison of the old drawing

and new drawing needs to be provided. If new drawings are received by January 23, 2019, this application can be heard at the February 6<sup>th</sup> meeting. No experts will be needed to testify.

### **New Business**

#### **Annual Reorganization of the Board**

It was unanimously agreed that:

- Ms. Tangorra will be the Chairperson
- Mr. Arcuti will be the Vice Chairperson
- Mr. Kozyra will be the Attorney
- Mr. Del Tufo will be the Secretary
- Ms. Santasieri will be the Recording Secretary

Board Roll Call – Upon a vote of the Board there was an unanimous approval of the Annual Reorganization of the Board.

- Ms. Castro – Yes
- Mr. Malfitano – Yes
- Mr. Contella – Yes
- Mr. Kirk – Absent
- Mr. Greengrove – Yes
- Ms. Kucinski – Yes
- Mr. Algieri – Absent
- Mr. Del Tufo – Yes
- Mr. Arcuti – Yes
- Ms. Tangorra – Yes
- Commissioner Evans – Yes
- Mayor Scarpelli - Yes

#### **Joint Meeting with the Zoning Board**

A combined meeting with the Planning and Zoning Boards is tentatively scheduled for February 27, 2018. The Commissioners and the Board of Education are to be invited as in 2018. Mr. Kozyra will confirm this date with Ms. McGovern as soon as possible.

The proposed Density Ordinance was brought up. It could not be confirmed that this Ordinance will be discussed at the January 15, 2019 Commissioners' Meeting so it was suggested that the Board discussion regarding the Ordinance should be delayed until after the joint meeting.

Ms. Tangorra asked Mayor Scarpelli if there was any information he could pass along regarding the Density Ordinance. Mayor Scarpelli stated that the Ordinance has been reworked a number of times and he knew that Mr. Berry and Mr. Ricci sat down last week to review/discuss the changes.

### **Board Comments/Questions**

A Board Member asked if a deviation is made from a stipulation are there mechanisms to change a Board approval that can be used rather than having a full hearing before the Board? Mr. Kozyra's answer was yes and no. The 237 Centre Street application came back to the Board because of the stipulation in the resolution which was an express condition of approval. If there is a de minimis change made the Code Office has some discretion. However, the more discretion that is given the more problematic it becomes because there are no records of such approvals.

The Board Member tried to clarify his question by saying minor subdivisions could go before a committee for recommendation and then the Board votes. If there are any de minimis changes they come back to the Board for a hearing. He was concerned about costs to an applicant and was wondering if maybe a subcommittee could handle it instead.

Mr. Kozyra understands the cost savings for the public, but giving discretion to someone will turn into questioned discretion for everyone in town. For example, a resident wants to expand his driveway six (6) inches. If the whole town wants to expand their driveways by six (6) inches there are lost parking spaces and there are presently street parking issues now. Mr. Kozyra agreed to talk with Dave Berry to see if there are areas where the town could have something less cumbersome procedurally.

Another question from a Board Member but the mic did not pick it up.

Mr. Kozyra mentioned the Roche project and proposed signs. The applicant was going to present the signs but never got around to them during the process. The Board approved the application preliminarily without the signs. Later the applicant wanted signs approved. The request due to timing worked out by adding it to final approval. The Board allowed the signs as an amendment when the Applicant came in for their final approval. The Board tried to make it as easy as possible and were able to vote on it. He will talk to Dave Berry but he feels that often you have to come back to the Board. Neighbors have to be given notice.

### **Public Comments**

None

The meeting concluded at 7:41 p.m.

The next meeting is scheduled for Wednesday, January 23, 2019 at 7:00 p.m.

Please be sure, when you are speaking that you turn your microphones on. Several of the Board comments/questions could not be transcribed because mics were not turned on or they were not spoken into.